

# Proposed Draft Title 27 Regulations for review(track changes) – August 14, 2003

## Division 1, Subdivision 4

### Chapter 1

## Part I. Definitions, Application, and Certification

### Article 1. Introduction

#### §15100. ~~What is the~~ Unified Program?

(a) California Health and Safety Code (HSC), Division 20, Chapter 6.11 and these regulations outline the requirements for the Unified Program for hazardous waste and hazardous materials management.~~The Secretary administers the Unified Program pursuant to Chapter 6.11 of the Health and Safety Code and regulations of this Division.~~ This Division integrates ~~but does not duplicate~~ requirements established pursuant to:

- (1) The Hazardous Waste Generator Program and the Hazardous Waste ~~Generator~~ Onsite Treatment activities authorized under the permit-by-rule, conditionally authorized, and conditionally exempt tiers - ~~HSC Health and Safety Code~~, Division 20, Chapter 6.5 (generally supplemented by Division 4.5, Title 22 of the California Code of Regulations);
- (2) The Aboveground Storage Tank Program Spill Prevention Control and Countermeasure Plan requirements - ~~HSC Health and Safety Code~~, Division 20, Chapter 6.67, Section 25270.5(c);
- (3) The Underground Storage Tank Program - ~~HSC Health and Safety Code~~, Division 20, Chapter 6.7; (generally supplemented by Title 23 of the California Code of Regulations, Chapters 16 and 17.);
- (4) The Hazardous Materials Release Response Plans and Inventory (~~Business Plan~~HMRRP) program - ~~HSC Health and Safety Code~~, Division 20, Chapter 6.95, Article 1 (generally supplemented by Title 19 of the California Code of Regulations, Sections 2620-27342);
- (5) ~~The Risk Management and Prevention Program (RMPP)~~ California Accidental Release Prevention (CalARP) program - Health and Safety Code, Division 20, Chapter 6.95, Articles 2 (generally supplemented by Title 19 of the California Code of Regulations, Sections 2735.1-2785.1-2620-2732);
- (6) The Hazardous Materials Management Plans and the Hazardous Materials Inventory Statement requirements - Section 80.113, Part 9 of Title 24, California Code of Regulations.

(b) To the maximum extent feasible, the Unified Program also ensures the coordination and consistency of regulations adopted for each program element.~~Health and Safety Code, Division 20, Chapter 6.11 and these regulations outline the requirements for the Unified Program for hazardous materials and hazardous waste management, which is set forth in state law and will be implemented by state and local government.~~

(c) The Secretary, State Agency, and Certified Unified Program Agency (CUPA) responsibilities for Unified Program elements are clarified as follows:

- (1) The Secretary of the California Environmental Protection Agency (Secretary) ~~will develop and implement a “unified hazardous waste and hazardous materials management” regulatory program. The implementation of Health and Safety Code, Chapter 6.11 shall not result in a hazardous waste and hazardous materials~~

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management program (Unified Program), which is more fragmented than those programs now in existence.

(2) The Secretary will work with and consider input from state agencies that have responsibilities to manage Unified Program elements to provide for a consolidated, coordinated, and consistent Unified Program throughout the state.

responsibilities include:

(A) Adopting implementation regulations for the administration and implementation of the Unified program.

(B) To the maximum extent feasible, consolidate, coordinate, and make consistent the requirements of the Unified Program with requirements imposed by other government agencies on businesses regulated by the Unified Program.

(C) Development the Unified Program in close consultation with DTSC, OES, SFM, SWRCB, Local Health Officers and Fire Services, other interested local agencies, affected businesses, environmental organizations, and interested members of the public.

(D) Implement a Unified Program that consolidates the administration of program elements.

(E) To the maximum extent feasible, implement a Unified Program that ensures coordination and consistency of the regulations adopted for each program element.

(F) The Secretary will determine Unified Program implementation in each jurisdiction and certify an agency as the CUPA, including approval of each Participating Agency's implementation.

(G) The Secretary shall periodically evaluate each CUPA's ability to adequately implement the Unified Program.

(H) Manage the Unified Program surcharge account.

(2) The State agencies will establish and interpret statewide standards for those Unified Program elements they are responsible for.

(A) The Governor's Office of Emergency Services has responsibility for the ~~Business Plan~~Hazardous Material Release Response Plans and Inventories (HMRRP) program and ~~the Risk Management and Prevention program~~the California Accidental Release Prevention (CalARP) program.

(B) The State Fire Marshall has responsibility for Section 80.103 of the Uniform Fire Code, as adopted pursuant to Section 13143.9 of the Health and Safety Code, concerning the Hazardous Materials Management Plan and Hazardous Materials Inventory Statement (HMMP and HMIS).

(C) The State Water Resources Control Board has responsibility for the Underground Storage Tank (UST) program and represents the Regional Water Quality Control Boards for the Above Ground Tank (AST) Spill Prevention Control and Countermeasure plan verification.

(D) The Department of Toxic Substances Control has responsibility for the Hazardous Waste Generator (HWG) and Onsite Hazardous Waste Treatment programs.

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- (i) DTSC will coordinate responsibilities concerning hazardous waste generators and onsite hazardous waste treatment activities, including those at Treatment, Storage, and Disposal.
    - (ii) The Department of Toxic Substances Control will notify the appropriate CUPA of any investigation it will conduct of hazardous waste generators, hazardous waste generators conducting treatment conditionally authorized pursuant to Section 25200.3, hazardous waste generators conducting treatment conditionally exempted pursuant to Section 25201.5, and facilities deemed to hold a permit-by-rule pursuant to the regulations adopted by the Department. The CUPA shall not disseminate information related to an ongoing investigation.
  - (E) State agencies responsibilities include:
    - (i) The coordination of their Unified Program responsibilities through the Secretary's administrative efforts.
    - (ii) Maximizing coordination, consolidation, and consistency of their Unified Program element(s) within the Unified Program.
    - (iii) Participation in the evaluation of CUPAs as defined by the Secretary.
    - (iv) Providing necessary guidance, training, and support to Unified Program Agencies to the extent funding and resources are available.
- (3) The Unified Program Agencies responsibilities include implementing the requirements in HSC Chapter 6.11, these regulations, and the requirements for each program element. The Unified Program shall provide to a "Certified Unified Program Agency" (CUPA) the authority to apply statewide standards to each facility within its jurisdiction.
- (4) If no local agency has been certified within the unincorporated area of the county, the Secretary shall determine which agency should be designated as the CUPA or authorize certain state or local agencies' roles, responsibilities, and authorities to continue pursuant to Health and Safety Code, Section 25404.3(f)(2).
  - (A) Any agency designated by the Secretary as the CUPA pursuant to Health and Safety Code, Section 25404.3(f)(2) must comply with the requirements in these regulations.
  - (B) Any state or local agency authorized to continue its role, responsibilities and authority pursuant to Health and Safety Code, Sections 25404.3(f)(2) or 25533(f) shall comply with the requirements in the regulations placed on CUPAs with the exception of Articles 3, 4, and 7, Sections 15210, 15220, 15230, 15240, 15250, and 15260.
- (5) The Unified Program requires the CUPA in a jurisdiction to consolidate all permits, coordinate enforcement of all regulations and ordinances, and develop and coordinate a single inspection and enforcement program.
- (6) The Unified Program requires each CUPA to institute a single fee system, which shall replace certain fees levied by state and local agencies; the revenue collected through this single fee will be used to fund the administration of those activities which will compose the Unified Program.
- (7) The Secretary must review local agency applications for certification as a CUPA and consider the agency's resources as criteria for certification; more than one agency

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~~may be included in the application and certified to implement the program elements of the Unified Program.~~

~~(8) The Secretary is required to periodically review the ability of each CUPA to carry out the Unified Program; the Secretary may withdraw an agency's certification if the agency has failed to adequately implement the program.~~

~~(c) To avoid overlap in responsibilities, CUPA and State Agency responsibilities for the Hazardous Waste Generator and Onsite Hazardous Waste Treatment elements are clarified as follows:~~

~~(1) DTSC will coordinate, to the maximum extent feasible, the responsibilities concerning hazardous waste generators and onsite hazardous waste treatment activities with the CUPA at a hazardous waste Treatment, Storage and Disposal (TSD) facility.~~

~~(2) CUPAs may refer enforcement cases to the DTSC. DTSC may accept enforcement cases at its discretion.~~

~~(3) CUPAs will establish procedures to accept the following reports from businesses:~~

~~(A) Contingency Plan activation report for permitted facilities 22 CCR 66264.56(j) and 22 CCR 66265.56(j)).~~

~~(B) Release reports for tank systems or secondary containment systems reporting the release of a reportable quantity (22 CCR 6625.196(e)).~~

~~(C) Tiered Permitting Closure Reports.~~

~~(4) CUPAs will review source reduction documents required of businesses pursuant to Health and Safety Code, Sections 25244.19, 25244.20, and 25244.21; and may impose civil penalties pursuant to Health and Safety Code, Section 25244.21(a).~~

~~(5) Hazardous Waste Manifest documents will continue to be submitted to the DTSC.~~

~~(6) Hazardous Waste Manifest Exception Reports will continue to be submitted to the DTSC.~~

~~(7) The DTSC will retain responsibility for hazardous waste classifications.~~

~~(8) The DTSC will retain responsibility for the oversight of the exports out of the country of hazardous waste.~~

~~(9) The DTSC and the US Environmental Protection Agency will retain responsibility for issuing EPA numbers.~~

~~(10) The DTSC will retain responsibility for the following elements of the Hazardous Waste Source Reduction and Management Review Act of 1989 (Health and Safety Code, Sections 25244.12 et. seq.):~~

~~(A) Conduct a technical and research assistance program pursuant to Health and Safety Code, Section 25244.17.~~

~~(B) Select at least two categories of generators by SIC Code every two years to identify successful source reduction measurers pursuant to Health and Safety Code, Section 25244.18(a).~~

~~(C) Impose civil penalties pursuant to Health and Safety Code, Section 25244.18(d)(2).~~

~~(D) Report to the legislature pursuant to Health and Safety Code, Section 25244.22.~~

~~(11) The DTSC will retain the responsibility to collect Biennial Reports specified in 22 CCR 66262.41.~~

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~~(d) To avoid overlap in responsibilities, CUPA and State Agency responsibilities for the Aboveground Storage Tank program element are clarified as follows:~~

~~(1) Aboveground Storage Tank Spill Prevention Control and Countermeasure (SPCC) Plan responsibilities for CUPAs are: To determine if an SPCC Plan is required, verify that a plan is on site when required, and refer facilities lacking required plans to the appropriate Regional Water Quality Control Board for follow up procedures.~~

~~(e) To avoid overlap in responsibilities, CUPA and State Agency responsibilities for the Underground Storage Tank program elements are clarified as follows:~~

~~(1) A CUPA may oversee the abatement of unauthorized releases of hazardous substances from underground storage tanks pursuant to the Local Oversight program (LOP) listed in Health and Safety Code, Section 25297.1, providing the following criteria are met:~~

~~(A) The CUPA must demonstrate its capability to oversee corrective action by having two years of acceptable experience implementing the underground storage tank program under Regional Water Quality Control Board oversight after which time the CUPA may apply to the State Water Resources Control Board (SWRCB) to enter into an agreement for the Local Oversight Program (LOP).~~

~~(B) The funding source available to the SWRCB is sufficient to cover the LOP agreements.~~

~~(f) To avoid overlap in responsibilities, CUPA and State Agency responsibilities for the Business Plan and RMPP program elements are clarified as follows:~~

~~(1) OES will coordinate the consolidation of planning formats pursuant to Health and Safety Code, Section 25503.4.~~

~~(2) OES will coordinate program responsibilities concerning Business Plans and RMPP activities.~~

~~(3) OES will coordinate revisions to the single comprehensive hazardous material reporting form required pursuant to Health and Safety Code, Section 25503.3 and to the RMPP guidance document.~~

~~(4) CUPAs will establish procedures for acceptance, tracking and maintenance of Business Plans, RMPP, and acutely hazardous materials registration forms from regulated businesses.~~

~~(5) CUPAs will establish procedures for acceptance, tracking and maintenance of reports of any release or threatened release of a hazardous material which poses the potential for significant hazard.~~

~~(6) CUPAs will integrate information from the business plans submitted into the development and implementation of an area plan, as defined in Health and Safety Code, Chapter 6.95, Article 1, within their jurisdiction.~~

~~(7) CUPAs shall ensure emergency response personnel and OES full access to information collected and maintained regarding implementation of Business Plans and RMPP program elements.~~

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~~(g) To avoid overlap in responsibilities, CUPA and State Agency responsibilities for the Hazardous Materials Management Plan and Hazardous Materials Inventory Statement (Health and Safety Code, Section 25404(c)(6)) is clarified as follows:~~

- ~~(1) The State Fire Marshal (SFM) will coordinate program responsibilities concerning the Hazardous Material Management Plan and Hazardous Materials Inventory Statements.~~
- ~~(2) The Hazardous Material Management Plan and Hazardous Materials Inventory Statements, when required, will comply with Health and Safety Code, Sections 25500 through 25545 and California Code of Regulations, Title 19, Division 2, Chapter 4, Section 2620 et. seq.~~
- ~~(3) Each CUPA will ensure full access to and availability of information submitted under Section 80.103 (b) and (c), Part 9 of the CCR Title 24, to any Chief of any county or city fire department or district with shared responsibility for protection of the public health and safety of the environment. The CUPA will forward the data collected, within 15 days of receipt and conformation, to the county or city fire department or district.~~

~~(h) An applicant agency shall apply to the Secretary according to the provisions of Sections 15130, 15140, 15150, and 15160 to become a Certified Unified Program Agency.~~

~~(i) An applicant agency which is granted certification pursuant to Articles 4 and 5 shall implement the Unified Program as specified in the implementation plan submitted in compliance with Section 15150(e)(6).~~

~~(j) A Certified Unified Program Agency shall maintain certification through the administration of the Unified Program in compliance with Articles 5 and 6.~~

### Figure 4

## Article 2. Definitions

### ~~§15110. What terms need to be clarified to understand the~~ Unified Program Definitions regulations?

~~(a) For purposes of this Division, the following terms have the following meanings. All Health and Safety Code citations reference Division 20 unless otherwise specified.~~

**Applicant Agency** means a county, city or other qualified local agency that which is applying to the Secretary to become a Certified Unified Program Agency.

**Certified Unified Program Agency** or CUPA means the is an agency which has been certified by the Secretary to implement the Unified Program in a specified jurisdiction, pursuant to the requirements of HSC, Chapter 6.11 and these regulations.

~~(a) For the purposes of this Division~~ Title 27, the following terms

**Data elements** are the information components required by applicable statutes or regulations.

**Data transmission protocol** means a standard for sharing electronic data.

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**Electronic reporting or sharing of data** means transferring data or information using an electronic or magnetic media.

**File format** means how data is packaged in any of these modes.

**Format** means the order, arrangement, style, and organization of the data elements comprising the UPCF.

**Media** means the type of device used to share data from the source to a recipient.

Examples include telecommunications transmissions, such as e-mail or direct computer to computer links and magnetic media such as disks, diskettes, and tapes.

**Mode** means the method by which data is shared. Common modes include e-mail, diskette, tape, and CD ROM. Mode encompasses the file format and data transmission protocol.

**Enforcement Actions.** There are the following types of Unified Program enforcement actions:

(1) **Formal Enforcement** is a civil, criminal, or administrative action, which that mandates compliance, imposes sanctions, and initiates a civil, criminal, or administrative process, which results in an enforceable agreement or order.

Enforceable means the instrument creates an independent, affirmative obligation to comply and imposes sanctions for the prior failure to comply. Sanctions include fines and penalties as well as other tangible obligations, beyond returning to compliance, that are imposed upon the regulated business. Examples include administrative orders and civil and criminal referrals to the appropriate prosecutor.

(2) **Informal Enforcement** is an action other than a formal enforcement action that notifies the regulated business of its non-compliance and establishes a date by which that non-compliance is to be corrected. Examples include a letter or notice of violation. Informal actions do not impose sanctions.

(3) **Integrated or Multi-media Enforcement** is an formal enforcement action involving either Unified Program and non Unified Program Agencies or involving more than one environmental medium (i.e.; air, water, soil). An integrated or multimedia enforcement requires more than one agency's involvement or one medium specific action to bring about compliance or to abate, investigate, prosecute, or remediate the violations.

**Informal Enforcement** is an action other than a formal enforcement action that notificationes to the regulated business of its non-compliance and establishes an actions and dates by which that non-compliance is to be corrected. Examples include a letter or notice of violation. These Informal actions do not impose sanctions.

**Inspection Categories.** There are four (4) categories of Unified Program inspections. One inspection may be reported in more than one category:

(2) **Combined Inspection** is an inspection of a regulated business conducted by one inspector representing two or more Unified Program elements or other program elements.

(4) **Integrated or Multi-media Inspection** is an inspection either involving Unified Program and non Unified Program Agencies and/or involving more than one environmental medium (i.e.; air, water, soil) of a regulated business that results in consolidating inspections.



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~~(3) **Joint Inspection** is an inspection of a regulated business, conducted by two or more inspectors representing different Unified Program Agencies within a CUPA, specifically to evaluate operations within the expertise of those regulatory agencies.~~

~~(1) **Single Program Inspection** is an inspection of a regulated business conducted by one inspector for only one Unified Program element.~~

**Inspection Types.** There are two (2) types of Unified Program inspections, which for reporting purposes are mutually exclusive:

~~(2) **Other Inspection** includes, but is not limited to, regulatory field activity such as complaint investigations, enforcement follow-up, closures, tank installation and/or removal oversight, tank cleaning, and release investigations. It does not include routine inspections or field or site visits whose principle purposes are informational or educational, pollution prevention education, verification of administrative information, or orientation of new owners or operators. “Other Inspection” also includes verification inspections for the administrative requirement of subdivision (c) of Section 25270.5 for owners and operators of aboveground storage tanks to prepare a spill prevention control and countermeasure plan.~~

~~(1) **Routine Inspection** is a regularly scheduled inspection to evaluate compliance pursuant to one or more program elements.~~

**Participating Agency (PA)** means a state or local ~~is an~~ agency ~~that which~~ has a formal agreement with the CUPA to implement ~~and enforce a one or more~~ program elements as part of the Unified Program.

**Program Element** is one of the six sets of requirements listed in 15100(a) or any other requirements incorporated pursuant to HSC, Chapter 6.11, 25404.2(d).~~a program listed in Health and Safety Code, Section 25404(e), or it may be a program other than those mandated in Health and Safety Code, Section 25404(e) which is voluntarily consolidated into a Unified Program, to be carried out in conjunction with a program listed in 25404(e).~~

**Regulated Business** means any of the following:

~~(1) “person” as defined in:~~

(A) the Hazardous Waste Management ~~P~~program, Health and Safety Code, Chapter 6.5, Section 25118 and

(B) the California Hazardous Substances Tax Law, Revenue and Taxation Code Part 22, Division 2, Section 43006.

(C) the HMRRP program, Title 19, Division 2, Chapter 4, Article 1, Section 2650.

(D) The CalARP program, Health and Safety Code, Chapter 6.95, Article 2, Section 25532(m).

(E) the UST program, Health and Safety Code, Chapter 6.7, Section 25281(l).

(F) the AST program, Health and Safety Code, Chapter 6.67, Section 25270.2(f).

~~(2) “business” as defined in the Hazardous Materials Emergency Release Response Plans and Inventory (Business Plan~~HMRRP~~) program, Health and Safety Code, Chapter 6.95, Sections 25501(d) and 25501.4.~~



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(3) “facility” as defined in the Underground Storage Tank Program, Health and Safety Code, Chapter 6.7, Section 25281(f).

(4) “tank facility” as defined in the Aboveground Storage Tank Program, Health and Safety Code, Chapter 6.67, Section 25270.2(l).

(5) “hazardous waste facility” as defined in the Hazardous Waste Management Program, Health and Safety Code, Chapter 6.5, Section 25117.1.

(6) “stationary source” as defined in the California Accidental Release Prevention Program, Title 19, Health and Safety Code, Division 2, Chapter 4.56.95, Article 1, Section 2735.3(uu)25532(k). ~~For the purposes of the UPCF~~

and data dictionary, **Signed or signature** for purposes of electronic submissions means any symbol, including a digital signature, executed or adopted by a party with present intention to authenticate a writing.

~~**Service charge** means s~~**Surcharge** is an element of the single fee assessed by the CUPA on each regulated business that covers the necessary and reasonable cost of the state agencies in carrying out their responsibilities pursuant to as described in HSC, Chapter 6.11, Section 25404.5(b), of the Health and Safety Code.

**Responsible Agency Unified Program Agency (UPA)** is the Certified Unified Program Agency (CUPA) or participating agency (PA) that, which implements a particular program element of the one or more Unified Program elements.

**Unified Program Consolidated Form** ~~The Unified Program Consolidated Form (UPCF) (1/99), defined in section 15110 and shown in Appendix E, is a standardized form to be used by CUPAs in the Unified Program to collect information from regulated businesses. The UPCF is a single, comprehensive format that consolidates business-to-CUPA reporting requirements within the Unified Program. (UPCF) is a form used by Unified Program regulated businesses to provide a standardized document to satisfy numerous business to CUPA reporting requirements. It consolidates information regulated businesses are required to provide for different program elements to the CUPA. It incorporates or replaces previous state and local forms for Unified Program program elements. The UPCF consists of the sections described in Section 15410 and is found in Appendix E.~~

**Unified Program Data Dictionary** (data dictionary) defines data elements, data field size and type, and edit criteria for regulatory data that shall be collected and retained by a CUPA. It has the following sections:

(1) Business Section: for information reported from businesses to CUPAs.

[Appendix C]

(2) CUPA Section: for CUPA-to-State reporting of CUPA activities or other information that shall be collected and retained by a CUPA and reported pursuant to Section 15290. [Appendix D]

**Consolidated Permit Unified Program Facility Permit** means those permits issued under the Unified Program. It includes the underground storage tank permit, permit-by-rule authorization, and any other permit or authorization requirements found under any local ordinance or requirement relating to the generation or handling of hazardous waste or hazardous materials. The Unified Program Facility Permit does not include the permitting requirements of a local ordinance that incorporates provisions of the Uniform Fire or Building Code, required to be consolidated pursuant to Health and Safety Code, Section 25404(c) and other permits not specifically required by Health

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and Safety Code Section 25404(c) but included within a Unified Program. The Consolidated Permit may be a single permit or multiple permits in a single package which shall minimize duplicate information.  
A writing constitutes For the purposes of the UPCF and data dictionary, both the UPCF and data submitted per the requirements of the Data Dictionary, constitute a writing

## Article 3. Application Process

### §15120. ~~Who can apply to be a~~ Certified Unified Program Agency Applicants?

(a) Counties must apply.

(b) Cities or other local agencies ~~which~~that qualify pursuant to Health and Safety Code Section 25404.1(b)(2) may apply.

(c) A city, which incorporates after January 1, 1996 may apply for certification as a CUPA pursuant to Health and Safety Code, Section 25404.1(b)(2)(B) and section 15130(b) above. Any request to the Secretary for approval to apply for certification shall be submitted within 180 days of incorporation.

(d) Two or more counties, cities or local agencies which propose to form a Joint Powers Agency may apply on or before January 1, 1996.

(1) Cities or other local agencies which have formed or propose to form a JPA may apply if one of the following is true:

- (i) A maximum of two member agencies of the JPA have not implemented the ~~Business Plan~~HMRRP program or the Underground Storage Tank program prior to December 31, 1995 and at least one member agency has implemented the ~~Business Plan~~HMRRP program or the Underground Storage Tank program prior to December 31, 1995, or
- (ii) The JPA has an agreement with the County to implement the Unified program in the JPA's jurisdiction, or
- (iii) The county is a member agency of the JPA.

(e) Each county shall and each city or other local agency within the county which qualifies pursuant to Health and Safety Code. Section 25404.1(b)(2) and chooses to apply, shall apply for certification on or before January 1, 1996.

(f) An applicant agency shall apply to the Secretary according to the provisions of Sections 15130, ~~15140~~, 15150, and 15160. to become a Certified Unified Program Agency.

(g) Applications shall be valid if they meet the requirements of this article and one copy is mailed to: Unified Program Section, 1001 "T" Street, Sacramento, California, 95812

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#### §15130. ~~What are the a~~Application notices ~~and deadlines?~~

(a) A non-county agency, which intends to apply for certification as a CUPA shall file with the Secretary and the county within which the city or other local agency is located, a letter ~~that~~which expresses the applicant's intent to apply. This “intent to apply” letter shall be valid if mailed to: Unified Program Section, 1001 “T” Street, Sacramento, California, 95812~~Certification, c/o: Department of Toxic Substances Control, P.O. Box 806, Sacramento, California, 95812-0806 by December 31, 1994.~~

(1) Failure to file an intent to apply letter shall not serve as grounds for the Secretary to reject an application.

(b) Any request to the Secretary by a non-county agency ~~to the Secretary~~ for approval to apply for certification pursuant to Health and Safety Code Section 25404.1(b)(2)(B) shall be submitted in writing.

(1) In its request, the applicant shall specify the date on which it received the county's reasons for failing to enter into an agreement. Any relevant correspondence to or from the county shall be attached to the request.

(2) The Secretary shall respond within 45 days of receiving the request.

~~(c) A city or other local agency which intends to act as a participating agency shall notify the county in which it is located of this intent, no later than December 31, 1994.~~

~~(1) Failure of a city or other local agency that qualifies pursuant to Section 25404.1(b)(4) to provide this notification shall not serve as grounds for a county to refuse to include the city or other local agency as a participating agency in an application for certification.~~

~~(d) Each county shall and each city or other local agency within the county which qualifies pursuant to Health and Safety Code, Section 25404.1(b)(2) and chooses to apply, shall apply for certification on or before January 1, 1996.~~

~~(e) Two or more counties, cities, or other local agencies which have formed or propose to form a Joint Powers Agency may apply jointly for certification on or before January 1, 1996.~~

~~(f) A city, which incorporates after January 1, 1996 may apply for certification as a CUPA pursuant to Health and Safety Code, Section 25404.1(b)(2)(B) and section 15130(b) above. Any request to the Secretary for approval to apply for certification shall be submitted within 180 days of incorporation.~~

~~(g) Applications shall be valid if they meet the requirements of this article and one copy is mailed to: Unified Program Certification, c/o: Department of Toxic Substances Control, P.O. Box 806, Sacramento, CA 95812-0806.~~

#### §15140. ~~Must proposed participating agencies enter into final agreements with the applicant agency before the application is submitted?~~

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~~(a) The application for certification shall include an Agreements Section [refer to Section 15150(d)]. The Agreements Section shall include draft or final agreements between the applicant agency and all proposed participating agencies. Final copies of all agreements must be submitted to the Secretary prior to certification.~~

~~(1) If an applicant agency proposes that any agency other than itself implement any aspect of the single fee system including the surcharge, the applicant agency shall maintain a written agreement specifying responsibilities.~~

~~(A) The written agreement shall identify responsibility for absorbing funds lost to non-payment of fees.~~

~~(B) The written agreement shall identify under what conditions and authority fees will be waived.~~

### Figure 2

## §15150. ~~What i~~Information ~~must be~~ provided in an application?

(a) Identify which agency will be the point of contact within the CUPA.

(1) An applicant agency shall designate only one administrative body, such as an internal department or office within a county or city, within that jurisdiction as the point of contact for Unified Program implementation.

(2) The governing body of the applicant agency may designate itself as the point of contact by not specifying any other.

(3) The applicant agency shall provide the name, address, phone number, e-mail, and facsimile number of the contact (use Appendix A).

(b) The application for certification as a CUPA shall be signed by at least one elected or appointed official who is authorized to represent the jurisdiction.

(c) The application for certification shall include an Authorizations Section including a list and brief description of all ordinances and resolutions used in the Unified Program.

(1) If overlapping authority will arise pursuant to certification under this Division, the applicant agency shall include in the application, a discussion of how jurisdictional authority will be managed to ensure that health and safety are maintained within the jurisdiction.

(2) Copies of all underground storage tank ordinances required by Health and Safety Code, Chapter 6.7 must be provided.

(d) The application for certification shall include an Agreements Section including copies of all agreements or draft agreements between the applicant agency and proposed participating agencies ~~[refer to Section 15140].~~

(1) The Agreements Section shall include draft or final agreements between the applicant agency and all proposed participating agencies. Final copies of all agreements must be submitted to the Secretary prior to certification.

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(A4) If an applicant agency proposes that any agency other than itself implement any aspect of the single fee system, including the surcharge, the written agreement shall specify responsibilities of each agency.

(iA) The written agreement shall identify responsibility for absorbing funds lost to non-payment of fees.

(iiB) The written agreement shall identify under what conditions and authority fees will be waived.

(iii) The written agreement shall also include the PA Management procedures required pursuant to 15180(e)(6).

(B) CUPAs may satisfy information collection, retention, and management requirements through agreements with Participating Agencies that serve as the repository of the information.

(e) The application for certification will be constructed in sections so as to meet the requirements ~~of and the~~ structure of Appendix A, ~~and shall~~ include the following:

(1) A cover sheet. Use which shall be Appendix A and complete all filled out with the appropriate information.

(2) For a county applicant, documentation that cities within the county either intend or do not intend to apply to be a CUPA. Documentation may take the form of a listing of all cities within the county with an indication of whether they intend to apply or not.

(3) A description of the geographic scope of the proposed Unified Program in the jurisdiction.

(4) The number of regulated businesses within the jurisdiction for each program element. Use Appendix B, including: the total number of businesses regulated, the number of regulated underground tanks in the jurisdiction and the number of regulated businesses authorized under the permit by rule, conditionally authorized and conditionally exempt tiers of Tiered Permitting. Table 1 ~~is to be used~~ to provide this information ~~unless otherwise agreed upon between the applicant agency and the Secretary.~~

(5) The organizational structure of the proposed Unified Program in the jurisdiction.

(A) The structure may be presented as an organizational chart of the Unified Program.

(6) A Unified Program Implementation Plan that provides:-

(A) The implementation plan shall provide a description or implementation timeline that which includes addresses all phases from startup through full operation.

(B) The implementation plan will include sSpecific information required for the Secretary's evaluation of the application pursuant to Sections 15170, 15190, 15200, 15210, 15220 and 15230, 15240, 15250 ~~as well as how the Unified Program will coordinate, consolidate, and make consistent the required program elements.~~

(C) For a transition from multiple billing statements and collection agencies within the Unified Program to a single billing statement and collection agency within the Unified Program. This shall:

(i) Provide for a transition period no longer than 5 years;

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(ii) Provide for regulated businesses to receive a single billing statement annually, which includes all recurring Unified Program activity fees.

(iii) Provide for regulated businesses to remit Unified Program fees with a single payment.

(iv) Include provisions for instances of non-payment. The implementation plan shall identify the agreements which exist or are proposed between the applicant agency and all proposed participating agencies. Such agreements shall be included in the Agreements Section of the application for certification [refer to subsection (d) of this Section].

(7) Adequate information to determine that responsible the applicant agency ies and any proposed participating agencies meet education, expertise and training requirements specified in Sections 15260 and 15270.

(A) Table 2 and Table 4 may be used to provide this information.

(B) If Table 2 and Table 4 are not used, the information required in the tables must be provided in some form.

(8) Adequate information to determine that responsible agencies meet training requirements specified in Sections 15260 and 15270.

(89) Certify that the administrative procedures of the proposed Unified Program will meet the requirements of Section 15180. Use Appendix B.

(940) A Consolidated Permit Unified Program Facility Permit pPlan which meets the requirements of Section 15190.

(104) An Inspection and Enforcement Program plan which meets the requirements of Section 15200.

(112) A Fee Accountability Program in compliance with Section 25404.5(c) of the Health and Safety Code and with Section 15210.

(123) A Single Fee System Implementation Plan which meets the requirements of Sections 15210 and 15220.

(134) A budget and funding mechanism for the Unified Program which meets the requirements of Section 15170(c), staff time allocations, and certification that adequate resources exist to carry out the Unified Program. Appendix B, Table 3 may be used to provide information on staff time allocations. Appendix B will be used to certify adequate resources exist.

(145) A description of how the CUPA will fulfill reporting requirements and certification that it will meet requirements of Article 6 below. Use Tables 5 and 6 for information and Appendix B for certification.

(156) A summary of program implementation history, which shall include the following information. Appendix B, Table 2 may be used to provide this information.

(A) A list of the Unified Program elements that have been managed by the applicant agency and participating agencies for the past three years. This list shall include voluntarily consolidated programs.

(B) A summary of inspection and enforcement activities within the scope of the Unified Program, undertaken within the past three years, including the types and numbers of inspections conducted and enforcement actions handled.

(167) A description of record keeping and costs accounting systems.



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(178) A description of ~~responsible~~the applicant agency's compliance with the criteria identified in the California Code of Regulations, Title 22, Section 66272.10 except subsections (b)(2) and (b)(3).

(189) A description of any additional programs incorporated into the Unified Program.

(20) An explanation of why the Secretary need not be concerned that certification of the applicant agency might lead to adverse impacts on the county.

(21) A description of how certification of the proposed Unified Program will lead to less fragmentation between jurisdictions within the county.

(f) The application for certification shall contain agency shall develop a single fee system implementation plan that which provides for a transition from multiple billing statements and collection agencies within the Unified Program, to a single billing statement and collection agency within the Unified Program.

(1) The applicant agency shall implement the single fee system implementation plan upon certification.

(2) The applicant agency shall provide for public participation and review of the proposed single fee system implementation plan.

~~The implementation plan shall provide for a transition period no longer than 5 years.~~

(3) A CUPA, which- that has partially implemented the single fee system but requires an extension of the transition period may petition the Secretary for an exception of the five year limit.

(A) The CUPA shall submit such petition at least one year prior to expiration of the five year limit.

(B) The Secretary shall rule on such petitions within 180 days of receipt of the request for extension.

## Article 4. Certification Process and Responsibilities

**§15160. ~~How will the e~~Certification process ~~proceed once the Secretary receives an application?~~**

(a) Completeness review.

(1) Each application shall be reviewed to determine whether all required information has been provided. Such review shall be finished within ninety (90) days of receipt of the application. Within the 90 day period:

(A) The Secretary shall send a notice of completeness to an applicant agency whose application has been determined to contain all necessary components with a request for 4 additional copies of the application; or

(B) The Secretary shall return an incomplete application to the applicant agency.

(i) The Secretary shall notify an applicant agency of an incomplete application by using a Notice of Deficiency (NOD).

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(ii) In the NOD, the Secretary shall specify those provisions of the application which are not sufficient and the date by which the additional information is due.

(b) State agency review and recommendation.

(1) Applications, which are found to be complete, shall be reviewed pursuant to Health and Safety Code, Section 25404.3(b). In determining whether an applicant agency should be certified, the Secretary shall ~~consider~~receive comments from the following or their designee:

- ~~?~~ Director of Department of Toxic Substances Control
- ~~?~~ Director of the Office of Emergency Services
- ~~?~~ State Fire Marshal; and
- ~~?~~ Executive Officer and Chairperson of the State Water Resources Control Board
- ~~?~~ Executive Officers and Chairpersons of the California Regional Water Quality Control Boards

(2) Comments and recommendations to the Secretary shall be based on analysis of the application contents and consideration of the requirements of this Division.

(c) Public hearing.

(1) The Secretary shall hold a public hearing regarding the application for certification.

(2) The Secretary may group public hearings for efficiency purposes.

(3) The Secretary shall consider comments received as part of the public hearing in the determination of whether an applicant should be certified.

(d) The Notice of Intent (NOI).

(1) The Secretary shall complete the review process and issue a Notice of Intent (NOI) within 180 days of receipt ~~of four additional copies~~ of the complete application for certification.

(A) The Secretary shall issue a Notice of Intent to disapprove the application for certification if the Secretary finds the applicant agency should not be certified. The NOI to disapprove shall identify those areas of the Unified Program, which are deficient.

(B) The Secretary shall issue a Notice of Intent to approve if the Secretary intends to approve an application for certification.

(2) During periodic review of the Unified Program, or review of an amended application, if the Secretary finds the Unified Program or the Unified Program implementation to be deficient, the Secretary shall issue a Notice of Intent to withdraw certification. The NOI shall identify those areas of the Unified Program, which are deficient.

(e) Final Decision.

(1) The Secretary's final decision shall be issued in writing to the applicant agency within 30 days of issuing the NOI except as provided in section 15160(f). The certification shall include the date upon which the CUPA's authority shall commence.

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(2) For purposes of this division and Division 4.5 of Title 22 of the California Code of Regulations, “certification” of a CUPA shall constitute “designation” pursuant to Health and Safety Code, Section 25180, of the responsible agency implementing Chapter 6.5 of the Health and Safety Code, pursuant to Section 66272.10, California Code of Regulations.

(f) Certification Decision Appeal Process.

(1) Within 30 days of receipt of a NOI to disapprove certification, the applicant agency may respond to the reasons specified and correct the deficiencies in its application.

(2) Within 30 days of receipt of a NOI to withdraw certification, the CUPA may respond to the reasons specified and correct the deficiencies in its Unified Program.

(3) In addition to its rights pursuant to (1) above, the applicant agency may request a second public hearing, at which time the Secretary shall hear the applicant agency's response to the reasons specified in the NOI to disapprove.

(4) The appeal process shall be completed within 60 days of receipt of the appeal.

(5) The Secretary's final decision on the certification decision appeal shall be issued in writing.

## §15170. What eCriteria will the Secretary will use to evaluate applications ?

### (a) The Secretary will evaluate applications based on the following:

(1a) Adequacy of technical education, expertise, and training as required by Sections 15260 ~~and 15270~~.

(2b) Adequacy of proposed staff resources, including an analysis of: which the applicant agency shall demonstrate by submitting the following information to be analyzed:

(A1) tThe number and type of regulated businesses within the jurisdiction;

(B2) aAn estimate of the annual number of compliance and complaint inspections;

(C3) The time allocation requirements of local agency staff shall be computed on a full time equivalent basis, not to exceed 1776 work hours per year per person, for the following:

(iA) inspections and the related travel, research, analysis of findings, and documentation;

(iiB) inspection and enforcement activities including warnings, notices, meetings, hearings, legal proceedings, and documentation;

(iiiC) permit activities including application reviews, modifications and revisions, and facility evaluations;

(ivD) tTraining including field, meetings, seminars, workshops, courses and literature reviews; and

(viE) management including day to day operation scheduling and supervision.

(D4) aAn estimate of required staff and supervisory personnel to manage the single fee system, surcharge, system and fee accountability system.

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(E5) ~~¶~~The number of support staff, both technical and non-technical, for all program elements.

(F6) ~~¶~~Description of contacts, working relationship with local prosecution and law enforcement agencies (i.e., District Attorneys, strike force memberships, etc.)

(3e) ~~Adequacy of Proposed~~ budget resources and funding mechanisms. The applicant agency shall include as part of the application, a summary of projected annual funding and expenses for the entire local Unified Program. Adequacy of budget resources and funding mechanisms shall be calculated as the ratio of funding to expenses, a value of one (1) being the standard for most adequate.

~~(d) Adequacy of training requirements as required by Sections 15260 and 15270.~~

(4e) ~~Past performance.~~ The Secretary shall evaluate the past performance of the applicant agency and its proposed participating agencies in implementing hazardous materials and hazardous waste management programs.

(5f) Record keeping and cost accounting systems proposed for the Unified Program, including:

(A1) Elements required by the Secretary pursuant to Health and Safety Code Section 25404(c)206;

(B2) A method for calculating program costs;

(C3) Permit fee structure;

(D4) Fee collection process;

(E5) Data management.

(6g) Compliance with the criteria in Section 66272.10 of Title 22 of the California Code of Regulations, except for the requirement of paragraph (2) of subdivision (b) of that section related to county-wide jurisdiction and paragraph (3) of subdivision (b) of that section related to temporary household hazardous waste collection facilities.

(7h) Additional programs, including but not limited to programs such as hazardous waste source reduction and pollution prevention programs, incorporated in the Unified Program.

(8i) Identified adverse impacts on the county. The Secretary will give particular consideration to written comments or comments received during the public hearing.

(9j) ~~Less fragmentation within the county. The Secretary shall not certify an agency unless there is a finding that the administration of~~ The Unified Program throughout the entire county in which the applicant agency is located will be less fragmented between jurisdictions, as compared to before January 1, 1994, with regard to the administration of the provisions specified in Health and Safety Code 25404(c). The Secretary shall consider, but shall not be limited to, the following measures of fragmentation. The applicant agency shall justify its certification with respect to these measures in the implementation plan required pursuant to Section 15150(e)(6).

(A1) The number of agencies managing the six Unified Program elements listed in Health and Safety Code, Section 25404(c) within the county prior to January 1, 1994 and the number of agencies managing those program elements as proposed by the applicant agency.

(B2) The number of agencies a regulated business had to work with for the Unified Program elements prior to January 1, 1994 and the number of

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agencies a regulated business will have to work with as proposed by the applicant agency.

~~(10k) County-wide coordination and consistency. The Secretary shall not certify an agency unless there is a finding of cCounty-wide coordination and consistency. In the finding, t~~The Secretary shall consider, but not be limited to the following:

~~(A1)~~ Agreements among the county, city, and local agency applicants indicating consistency with a county-wide Unified Program.

~~(2) A list of cities within the county that have been informed and do not intend to apply to be a CUPA.~~

~~(11i) Evidence that an applicant agency which proposes in its Unified Program implementation plan to allow other agencies to implement program elements has met the requirements of Health and Safety Code Section 25404.3(d).~~ The Secretary shall not certify an applicant agency which proposes to include participating agencies in the Unified Program, unless there is a finding that:

~~(A1) It meets the requirements of HSC Section 25404.3(d)(1). The applicant agency has adequate authority and had adequately designed the Unified Program to ensure coordination and consistency between program elements;~~

~~(B2)~~ The proposed participating agencies have met the education, training and experience requirements identified in Section 15260; ~~and 15270~~, and have adequate resources to implement the program element(s) which the applicant agency has proposed it will take on; ~~and~~

~~(C3)~~ All necessary agreements are in place, pursuant to Health and Safety Code, Section 25404.3(d)(3) ~~and (d)(4)~~.

~~(12m)~~ The requirements of Sections 15160(b) and 15160(c).

~~(13n) The Secretary shall also consider the following:~~

~~(+)~~ The implementation plan for the consolidation of permits, ~~consolidation of~~ inspections, ~~and~~ enforcement, and ~~consolidation of~~ fees.

~~(142)~~ Documentation of authority to implement program elements ~~such as the required ordinances and resolutions passed by a local government to implement the underground tank program and the business plan~~ program.

~~(153)~~ If the program will be fully operational no later than one year after certification.

~~(4) If certification will result in overlapping agency authority within the jurisdiction, the Secretary shall consider the discussion required pursuant to Section 15150(e)(1).~~

## Part II. Operations

### Article 5. Implementation and Maintenance of the Unified Program

**§15180. What are the minimum a Maintenance of Certification and Administrative procedures the applicant agency must establish and the CUPA must undertake to ensure a coordinated and consistent Unified Program?**

(a) An applicant agency CUPA which is granted certification pursuant to Articles 4 and 5 shall implement the Unified Program consistent with the implementation plan submitted in compliance with Section 15150(e)(6) and these regulations.

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(b) ~~A Certified Unified Program Agency~~ shall maintain certification through the administration of the Unified Program in compliance with these regulations ~~Title 27, Articles 5 and 6.~~

(c) Any agency designated by the Secretary as the CUPA pursuant to Health and Safety Code, Section 25404.3(f)(2) must comply with the requirements in these regulations.

(d) Any ~~state or~~ local agency authorized to continue its role, responsibilities and authority pursuant to Health and Safety Code, Sections 25404.3(f)(2) or 25533(f) shall comply with the requirements in the regulations placed on CUPAs with the exception of Articles 3, 4, and 7, Sections 15210, 15220, ~~45230~~, 15240, 15250, and 15260.

(ea) ~~The applicant agency shall establish and~~ The CUPA shall establish and implement, the following Unified Program administrative procedures, ~~to carry out the requirements of consolidating, coordinating, and making consistent the Unified Program. These administrative procedures shall include, at a minimum, the following:~~

(1) Public participation procedures that:

(6A) ~~Comments from facilities and public. The CUPA shall ensure that the Unified Program includes a mechanism to receive~~ Ensure receiptve and consideration of comments related to Unified Program performance from regulated businesses and the public on a regular basis.

(BA) ~~Public participation shall include, at a minimum, procedures to~~ eCoordinate, consolidate, and make consistent locally required public hearings related to any Unified Program element.

(CB) ~~Public participation shall, to the extent feasible, include~~ eConsolidated public notices for activities related to the elements of the Unified Program.

(2) ~~Information management.~~

(A) ~~The Unified Program shall include procedures for r~~Records maintenance procedures. These will include at a minimum that include:

(Ai) ~~i~~Identification of the records maintained

(Bii) ~~m~~Minimum retention times

(Ciii) ~~a~~Archive procedures

(Div) ~~p~~Proper disposal methods

(3B) ~~Responsible agencies shall institute procedures to~~ Procedures for responding to requests for information from the public, from government agencies with a legal right to access the information, or from emergency responders, including methods to prevent the release of confidential and trade secret information.

(C) ~~Personnel records~~

(i) ~~The responsible agency shall maintain training records.~~

(ii) ~~The responsible agency shall make training records available to the CUPA upon request.~~

(iii) ~~The CUPA shall provide training records or access to training records to the Secretary upon 30 days request.~~

(4D) ~~Procedures for forwarding of the Hazardous Material Release Response Plans and Inventory HMRRP information shall be sent by the responsible agency to other~~



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~~local agencies with shared responsibilities for protection of public health and safety and the environment within 15 days of receipt and confirmation~~ in accordance with Health and Safety Code Sections ~~25509.2(a)(32)~~ and ~~25503.5(d3)~~.

~~(E) Within three months of the Secretary's approval of the electronic data transmission protocol developed pursuant to Public Resources Code, Division 34, Chapter 3, Section 71060 et seq., Data Management, a CUPA shall accept data from businesses in the approved electronic data transmission protocol, if the CUPA agrees to accept information electronically.~~

~~(F) The CUPA may permit a regulated business to meet its information reporting requirements electronically. In such case, the format and mode of the submission shall be specified by the CUPA and shall be consistent with the data standards adopted in Articles 5 through 10 inclusive.~~

~~(53)~~ Financial management procedures that include.

~~(A) The Unified Program shall include a Financial Management System. The Financial Management System shall:~~

~~(Ai) implement the sThe single fee system in compliance with Section 15210;~~

~~(Bii) include a mechanism for fThe fee accountability program in compliance with Section 152240(b).~~

~~(4) The CUPA shall implement procedures to ensure (C) The surcharge in compliance with Section 15250. These procedures should address at a minimum, the suspension of permits for non-payment or late payment.~~

~~4) Dispute resolution. The CUPA shall implement a dispute resolution process, designed to resolve problems arising between the participating agencies and the CUPA.~~

~~(5) Formal appeal process. The Unified Program shall include procedures that which allow for appeal of a dispute resolution pursuant to paragraph (4) of this subsection.~~

~~(6) Comments from facilities and public. The CUPA shall ensure that the Unified Program includes a mechanism to receive and consider comments related to Unified Program performance from regulated businesses and the public on a regular basis.~~

~~(7) Unified Program meetings procedures.~~

~~(A) The CUPA shall conduct meetings, to coordinate and to maintain consistency within the Unified Program, at least four times annually or as specified in the implementation plan pursuant to Section 15150(e)(6).~~

~~(B) Representatives of the CUPA and all PAs within the CUPA's jurisdiction will attend.~~

~~(68)~~ Participating agency management pProcedures for removing a Participating Agency that include:-

(A) Providing notice;

(B) Stating causes;

(C) Taking public comment;

(D) Making appeals; and,

(E) Resolving disputes

~~(A) The governing body of the CUPA shall enter into written agreements with the governing bodies of all participating agencies to implement specific element(s) of the Unified Program.~~

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~~(B) The CUPA shall establish procedures for withdrawal or revocation of participating agencies.~~

~~(C) The CUPA shall include an evaluation of participating agency performance in the annual self audit, pursuant to Section 15280(a).~~

~~(D) A participating agency which ceases to meet minimum qualifications or fails to implement its program element(s) as described in the Unified Program application approved by the Secretary, at any time during the term of its agreement with the CUPA, shall enter into a program improvement agreement with the CUPA. The program improvement agreement shall specify the areas of improvement, minimum accomplishments necessary, and time frames which shall be met.~~

~~(E) The CUPA may apply to the Secretary, in accordance with Section 15300, for approval to replace a participating agency which fails to perform according to the program improvement agreement.~~

~~(9) Self Auditing. The CUPA shall conduct an annual self audit which meets the requirements of Section 15280(a).~~

~~(10) Reporting. The CUPA shall comply with reporting and self auditing requirements identified in Sections 15250, 15280, and 15290.~~

~~(b) The Secretary for Environmental Protection, shall, within five years of the effective date of the regulations in this Article, determine whether the regulations should be retained, revised, or repealed.~~

## §15185. ~~What i~~Information ~~must~~ CUPAs ~~must~~ collection, retentionain, and management?

(a) CUPAs shall collect, retain, and manage information needed to implement the Unified Program, including but not limited to these regulations and. ~~At a minimum, the CUPAs shall collect and retain~~ all information defined in the Unified Program Data Dictionary. ~~[Refer to Appendices C and D]~~

(b) The data dictionary is contained in Appendices C and D. It defines data elements, data field size and type, and edit criteria for regulatory data that shall be collected, ~~and~~ retained, and managed by a CUPA. ~~[Refer to definition in Section 15110]~~ It consists of the following sections:

(1) Appendix C includes the data elements reported by a regulated business to a Unified Program Agency.

(2) Appendix D includes the data elements a CUPA reports to the State.

~~(1) The Business Section for information reported by businesses to CUPAs using the Unified Program Consolidated Form [refer to Section 15400]. The Business Section of the Data Dictionary is organized into the following parts:~~

~~(A) Facility Information~~

~~(i) Business Activities~~

~~(ii) Business Owner/Operator Identification~~

~~(B) Hazardous Materials~~

~~(i) Hazardous Materials Inventory Chemical Description~~

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#### ~~(C) Tanks~~

- ~~(i) Underground Storage Tank (UST) Facility~~
- ~~(ii) UST Tank—~~
- ~~(iii) UST Installation Certificate of Compliance~~

#### ~~(D) Hazardous Waste~~

- ~~(i) Recyclable Materials Report~~
- ~~(ii) Onsite Hazardous Waste Treatment Notification Facility~~
- ~~(iii) Onsite Hazardous Waste Treatment Notification Unit~~
- ~~(iv) Certification Of Financial Assurance for Permit by Rule and Conditionally Authorized Operations~~
- ~~(v) Remote Waste Consolidation Site Annual Notification~~
- ~~(vi) Hazardous Waste Tank Closure Certification~~

~~(2) The CUPA Section for information that shall be collected and retained by a CUPA and reported to the State pursuant to Section 15290. [Appendix D] The CUPA Section of the Data Dictionary is organized into the following sections:~~

- ~~(A) Compliance Activity Information~~
- ~~(B) Inspection Information~~
- ~~(C) Enforcement Information~~
- ~~(D) Tiered Permitting Release Information~~
- ~~(E) Household Hazardous Waste Information (reserved)~~

(c) A CUPA shall retain the following information as follows for a minimum of five (5) years:

- ~~(1) A CUPA shall retain eCopies of self-audits, inspection reports, enforcement files, and UPCFs onsite tiered permitting notifications for a minimum of for at least five (5) years.~~
- ~~(2) A CUPA shall retain aAll records related to hazardous waste enforcement actions from the datefor at least three (3) years after the enforcement action is resolved.~~
- ~~(3) For CUPA to State reports, a CUPA shall retain the information Detailed records used to produce the summary reports submitted to the state.~~
- ~~(4) A CUPA or other Responsible Agency shall retain sSurcharge billing and collection records for five (5) years following closure of any billing period, or until completion of any audit in process, whichever is longer.~~

(d) Electronic reporting is optional and the CUPA is not required to store or maintain the data in the Unified Program Data Dictionary format(Appendices C and D). The Data Dictionary data structures and formats must be used for electronic reporting by businesses to a CUPA pursuant to this Ssection 15187 or by a CUPA to the State pursuant to this Ssections15187 and 15290(f) and (g).

(e) Within three months of the Secretary's approval of the electronic data transmission protocol developed pursuant to Public Resources Code, Division 34, Chapter 3, Section 71060 et seq., Data Management, a CUPA shall accept data from businesses in the approved electronic data transmission protocol, if the CUPA agrees to accept information electronically.

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(f) The CUPA may permit a regulated business to meet its information reporting requirements electronically. In such case, the format and mode of the submission shall be specified by the CUPA and shall be consistent with the data standards adopted in Articles 5 through 10 inclusive.

(g) If a CUPA accepts any information electronically, the CUPA shall accept all submissions that contain the data elements with the required field length and type and in the order specified in the data dictionary. A CUPA may, on a case-by-case basis, agree to accept information that does not meet the data dictionary standard.

(h) The CUPA may establish local standards for the collection of locally required supplemental information in addition to standards specified in the Unified Program Data Dictionary.

(ie) CUPAs shall collect, retain, and manage any additional information required by state or federal law.

(d) CUPAs may satisfy these information collection, retention, and management requirements through agreements with Participating Agencies that serve as the repository of the information.

(e) Electronic reporting is optional and the CUPA is not required to store or maintain the data in the Unified Program Data Dictionary format (Appendices C and D). The Data Dictionary data structures and formats must be used for electronic reporting by businesses to a CUPA pursuant to Section 15187 or by a CUPA to the State pursuant to Sections 15187 and 15290(f) and (g).

#### **§15186. What are the definitions of the data terminology used in the Unified Program information standards?**

(a) For the purposes of this Division, the following terms related to Unified Program information standards have the following meaning:

**Data elements** are the information components required by applicable statutes or regulations.

**Data transmission protocol** means a standard for sharing electronic data.

**Electronic reporting or sharing of data** means transferring data or information using an electronic or magnetic media.

**File format** means how data is packaged in any of these modes.

**Format** means the order, arrangement, style, and organization of the data elements comprising the UPCF.

**Media** means the type of device used to share data from the source to a recipient. Examples include telecommunications transmissions, such as e-mail or direct computer to computer links and magnetic media such as disks, diskettes, and tapes.

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~~Mode means the method by which data is shared. Common modes include e-mail, diskette, tape, and CD-ROM. Mode encompasses the file format and data transmission protocol.~~

#### 15186 Unified Program Consolidated Form

(a) The UPCF shall be used by the UPAs to collect information from regulated businesses:

(b) The UPCF consists of the following:

- (1) Business Activities Page
- (2) Business Owner/Operator Identification
- (3) Hazardous Materials Inventory-Chemical Description
- (4) Underground Storage Tank (UST) Facility
- (5) UST Tank
- (6) UST Installation-Certificate of Compliance
- (7) Recyclable Materials Report
- (8) Onsite Hazardous Waste Treatment Notification-Facility
- (9) Onsite Hazardous Waste Treatment Notification-Unit
- (10) Certification Of Financial Assurance for Permit by Rule and Conditionally Authorized Operations
- (11) Remote Waste Consolidation Site Annual Notification
- (12) Hazardous Waste Tank Closure Certification.

(c) The UPCF may be reproduced or electronically duplicated as needed.

(d) Different parts of the UPCF, the alternative version, or a computer-generated facsimile may be submitted separately. Each submission shall be accompanied by the Business Owner/Operator Identification page and shall be signed with an original signature.

#### 15187.Unified Program Consolidated Form – CUPA Responsibilities

(a) The CUPA shall distribute copies of the UPCF, or an alternate version, to any regulated business or member of the public upon request. ~~A CUPA may add the name of the CUPA, a logo, and address, phone number, and other identifying information to the UPCF title or footer on one or more pages, without the customized UPCF being considered an alternative version subject to the conditions adopted by this section.~~

(b) Each CUPA shall provide instructions to the regulated businesses when distributing the UPCF and any alternative versions. These instructions must be consistent with the instructions adopted in California Code of Regulations Title 19, Article 4, Appendix B.

(c) The CUPA shall accept the UPCF as shown in Appendix E from any regulated business that chooses to use it, even if the CUPA adopts one or more alternative versions of the UPCF.

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(d) A CUPA may add the name of the CUPA, a logo, and address, phone number, and other identifying information to the UPCF title or footer on one or more pages, without the customized UPCF being considered an alternative version subject to the conditions adopted by this section.

(e) A CUPA may create alternative versions of the UPCF for local purposes such as streamlining for small businesses or addressing a specific type of industry. Any alternative version of the UPCF shall:

- (1) Collect all of the information found on the UPCF that applies to the regulated businesses using the data element definitions established by the data dictionary.
- (2) Be consistent with the data standards adopted throughout Article 5 through 10 of these regulations.
- (3) Use the same section order as shown in Section 15185(b)(1)400-1.
- (4) Be developed in consultation with all other agencies within the CUPA's jurisdiction that are responsible for fire protection, emergency response, and environmental health.
- (5) Not duplicate data elements between sections of the UPCF other than facility ID number and facility name.
- (6) Comply with all applicable federal and state laws.

(f) Alternative versions of the UPCF adopted by a CUPA shall include this written disclaimer statement on a cover page or the front page, printed using a font larger than or equal to 8 points for readability: "This form was developed by the CUPA as an alternative version of the Unified Program Consolidated Form (UPCF). Businesses have the option to use it or the UPCF adopted in state regulations. The CUPA or Participating Agency (PA) must accept the state UPCF and cannot require a business to use the alternative version developed by the CUPA. The CUPA and PA can may require businesses to provide additional information on either the UPCF or a supplemental page to that document."

(g) CUPAs shall collect additional local information on either supplemental pages or within the UPCF in the boxes provided on the Business Owner/Operator Identification page (OES Form 2730) and the Hazardous Materials Inventory-Chemical Description page (OES Form 2731).

(h) CUPAs that have created one or more alternative versions of the UPCF ~~refer to section 15400.3(e)~~ may add supplemental requests for information within the alternative version, to the extent space is available.

(i) CUPAs are prohibited from requesting duplicative information in a different format if that information is part of the Data Dictionary, the UPCF, or that CUPA's alternative version of the UPCF.

(j) The CUPA shall determine if business-generated facsimiles comply with the requirements of subsection (b). The CUPA may also allow businesses to submit facsimiles of their alternative versions of the UPCF.



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(k) Use of the Consolidated Contingency Plan format pursuant to Health and Safety Code Section 25503.4 and Government Code Section 8670.36.5 et seq.

(A) The Consolidated Contingency Plan format developed by the CUPA shall be substantially equivalent to the format developed by the Governor's Office of Emergency Services pursuant to Health and Safety Code, Section 25503.4, when that format has been adopted.

(B) The CUPA shall accept plans submitted by businesses in the Consolidated Contingency Plan format adopted by the Governor's Office of Emergency Services pursuant to Health and Safety Code, Section 25503.4.

### 15188. Unified Program Consolidated Form – Business Responsibilities

(a) Regulated businesses are required to meet the reporting requirements of any applicable unified program element of the Unified Program. Many of those reporting requirements are satisfied by completing sections of either the UPCF, an alternative version [Refer to 15400.3], or a computer generated facsimile.

(b4) Regulated businesses shall report required elements that are applicable to their business to the CUPA by submitting the sections of the UPCF, a business generated facsimile, or an alternative version developed by their CUPA.

(c) A copy of the Business Activities Page and Business Owner/Operator Page (OES Form 2730) shall be submitted with every submission of pages of the Unified Program Consolidated Form (UPCF).

(d) A regulated business may report information collected on the UPCF or on an alternative version developed by the CUPA [refer to Sections 15400 and 15400.3] to a CUPA electronically, if the CUPA agrees to accept it electronically. In addition:

(1) Upon agreement by the CUPA, the business may submit data in either the ASCII flat file format, ANSI X12, or an alternative file format.

(2) The business shall submit data in the mode specified by the CUPA.

(e) Regulated businesses may satisfy their reporting requirement by submitting computer-generated facsimile forms. A facsimile of the UPCF shall meet the following specifications:

(1) It shall contain all the information required on the UPCF and defined by the data dictionary for those regulated businesses. It shall use the same section format and present the required information in the order and general sequencing on the page as shown on the UPCF. The facsimile form shall be printed on 8 1/2 by 11 inch paper in 'portrait' format. It shall retain all labels and identifiers for the UPCF sections, pages, and subsections. Current page breaks shall be maintained, although a page for supplemental local information may be added between UPCF page breaks.

(2) It is not required to be an exact copy or to use identical fonts, boxing, shading, or other graphic design elements of the UPCF.

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(3) The CUPA shall determine if business-generated facsimiles comply with the requirements of subsection (b). The CUPA may also allow businesses to submit facsimiles of their alternative versions of the UPCF.

(f) To the extent not prohibited by law, the CUPA may assist businesses to revise their information by providing copies of completed reports based on previous submittals. These reports shall be in the general format of the UPCF or the alternative version. A business that revises, certifies, and returns this report to the CUPA satisfies the requirements to complete the appropriate sections of the UPCF. Regulated businesses are not required to use these CUPA generated reports and have the option to submit updated information using the UPCF or a facsimile.

(g) Regulated businesses shall comply with the established dates or events that trigger the requirements for businesses to submit information required as part of the Unified Program and submitting the appropriate sections of the UPCF, the alternative version, or a computer generated facsimile. A CUPA may establish other specific dates for submission of information consistent with state and federal law.

(h) Other documents may also be required by federal and state statutes and regulations or by local ordinance.

#### **§15187. How do regulated businesses and CUPAs use the data dictionary and provide information electronically?**

(a) If a CUPA accepts any information electronically, the CUPA shall accept all submissions that contain the data elements with the required field length and type and in the order specified in the data dictionary. A CUPA may, on a case by case basis, agree to accept information that does not meet the data dictionary standard.

(b) A regulated business may report information collected on the UPCF or on an alternative version developed by the CUPA [refer to Sections 15400 and 15400.3] to a CUPA electronically, if the CUPA agrees to accept it electronically. In addition:

(1) Upon agreement by the CUPA, the business may submit data in either the ASCII flat file format, ANSI X12, or an alternative file format.

(2) The business shall submit data in the mode specified by the CUPA.

(c) The CUPA may establish local standards for the collection of locally required supplemental information in addition to standards specified in the Unified Program Data Dictionary.

#### **§15187.1. What are the requirements for use of eElectronic signatures with electronic submittals of Unified Program information?**

(a) If a business submits regulatory information specified in the data dictionary electronically, a digital signature may be used in lieu of a manual signature to identify the

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party submitting the data, subject to agreement with the party to receive the data and provided that the method used is not precluded by state or federal law.

~~(b) For the purposes of the UPCF and data dictionary, both the UPCF and data submitted per the requirements of the Data Dictionary constitute a writing.~~

~~(c) For the purposes of the UPCF and data dictionary, signed or signature means any symbol, including a digital signature, executed or adopted by a party with present intention to authenticate a writing.~~

~~(bd)~~ An electronic signature may not be denied legal effect, validity, or enforceability solely on the ground that it is electronic.

~~(ce)~~ An electronic signature, message, or record, is attributable to a person if:

- (1) It was the action of that person, that person authorized the action, or that person's agent took the action; or
- (2) The party in receipt of the electronic signature, message, or record, concluded in good faith that it met any of the criteria in (e)(1) above.

## ~~§15188. How long must a CUPA retain information?~~

~~(a) A CUPA shall retain information as follows:~~

~~(1) A CUPA shall retain copies of inspection reports, enforcement files, and onsite Tiered Permitting notifications for at least five (5) years. A CUPA shall retain all records related to hazardous waste enforcement actions for at least three (3) years after the enforcement action is resolved.~~

~~(2) For CUPA to State reports, a CUPA shall retain the information used to produce the summary reports to the state listed in section 15290.~~

~~(A) CUPAs that do not use an electronic data management system shall retain the detailed records used to produce the summary reports for a minimum of five (5) years after the report is submitted.~~

~~(B) CUPAs that use an electronic data management system, may satisfy the records retention requirement by maintaining an electronic copy of the data used to produce the summary reports, Reports 2 to 6. These electronic records of the CUPA information shall be retained for a minimum of five (5) years.~~

~~(C) CUPAs may establish electronic data management systems that retain all previous historical information whenever information is updated so that a complete historical record as of a specific date can be generated to recreate the detailed information for each summary report required by section 15290.~~

~~(b) CUPAs shall collect and retain any additional information required by state or federal law.~~

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#### §15190. ~~How must p~~Permitting occur within the Unified Program?

(a) The Unified Program agency shall ~~include~~issue a Unified Program Facility~~Consolidated Permit Program which shall be implemented in~~ accordance with these regulations~~ing to a Consolidated Permit Program Plan.~~

(b) ~~The Consolidated Permit Program requires:~~

~~(1) Consolidation of permits.~~ The CUPA shall consolidate the permits issued under the Unified Program utilizing the Unified Program Facility Permit.;

~~(c2) The CUPA shall provide for a~~A single point of local contact for permit applicants. The permit program shall provide for a coordinated and consolidated permit process, which provides regulated businesses a single point of local contact for obtaining information on, the requirements for, and the application process for the Unified Program unified program facility~~consolidated~~ permit.

~~(1A)~~ A single point of contact for referrals to appropriate participating agencies, if applicable;

~~(d3) A consolidated permit application package.~~

~~(A)~~ The UPA~~responsible agency~~ shall provide a Unified Program Facility~~consolidated p~~ Permit application package for the specific requirements of regulated businesses.

~~(1B)~~ The permit application may be presented as a single form, designed to transmit multi-program information, or it may be multiple forms arranged into a single package.

~~(C) Duplicate information between different forms is allowed only if it is necessary to provide for form tracking.~~

~~(2D) To avoid duplication,~~tThe CUPA shall utilize the applicable sections of the Unified Program Consolidated Form-~~[refer to 15400]~~ and, if necessary, additional information-~~[refer to 15400.4]~~ to collect the required information for a permit application.

~~(4) A system to define permits. The Consolidated Permit Program shall include a system to define which program elements require permits for activities of each regulated business.~~

~~(5) Use of the Consolidated Contingency Plan format pursuant to Health and Safety Code Section 25503.4 and Government Code Section 8670.36.5 et seq.~~

~~(A) The Consolidated Contingency Plan format developed by the CUPA shall be substantially equivalent to the format developed by the Governor's Office of Emergency Services pursuant to Health and Safety Code, Section 25503.4, when that format has been adopted.~~

~~(B) The CUPA shall accept plans submitted by businesses in the Consolidated Contingency Plan format adopted by the Governor's Office of Emergency Services pursuant to Health and Safety Code, Section 25503.4.~~

~~(c6) Timely review and decision practices on consolidated permits.~~

~~(A)~~ The CUPA, in cooperation with the participating agencies, shall ensure timely decisions regarding consolidatedUnified Program Facility permits, including:-

————(1) Time lines and time limits of appeal processes

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~~(B) The system for consistent and timely permitting practices shall provide:~~

~~(2i) Provisions for a preliminary check for application completeness;~~

~~(3ii) Provisions for a technical review of permit applications by the responsible agency;~~

~~(4iii) A procedure for tracking permit applications, establishing follow-up protocol, and facilitating expeditious processing, when necessary.~~

~~(f7) Issuance of Permits. The CUPA applicant agency shall identify and utilize efficient methods of transmitting the permit, and include them in the Consolidated Permit Program plan.~~

~~(gE) A. The CUPA shall establish Unified Program Facility P a permit cycle. be established by the CUPA.~~

~~(h8) A mechanism for evaluating the permit process.~~

~~(A) The applicant agency CUPA shall propose a mechanism to evaluate the coordination, consolidation and consistency of the Unified Program Facility p Permit process.~~

~~(B) The evaluation process may include consumer response tools such as questionnaires or surveys.~~

~~(1E) Information obtained through the permit evaluation process shall be considered and used in modifying the Unified Program Facility Consolidated Permit Program when appropriate.~~

~~(ie) The applicant agency, in conjunction with its proposed participating agencies, shall develop and the CUPA, in conjunction with the participating agencies, shall implement a Consolidated Permit Program Plan. The Unified Program Facility Consolidated Permit Program plan shall include the following elements:~~

~~(1) A list of all types of permits and authorizations that will be consolidated within the Unified Program.~~

~~(2) A flow chart describing the Unified Program's permitting procedures, including time lines and time limits of appeal processes.~~

~~(3) A description or sample of the cover sheet of the Consolidated Permit. The cover sheet of the Consolidated Permit at a minimum, shall:~~

~~(1A) List the applicable program element(s) and authorizations permits which that make up the Unified Program Facility Consolidated Permit, and~~

~~(2) the agency(ies) responsible for issuing the those Unified Program Facility p Permits.~~

~~(B) Identify the permit status of each program element (temporary, provisional, or permitted).~~

~~(3E) Identify the permitted facility by business name and address.~~

~~(4D) Specify the permit issuance date.~~

~~(5E) Specify the effective term of the permit expiration date.~~

~~(64) An Addendum which will be used to document permit conditions for each applicable element of the Unified Program.~~

~~(5) The consolidated permit cycle established for the CUPA.~~

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(j6) ~~A description of the procedure and process that t~~The CUPA shall ~~use to~~ address any coordination, consolidation, or consistency issues not specifically addressed above.

#### §15200. ~~How must i~~Inspection and ~~e~~Enforcement ~~occur within the Unified Program?~~

(a) ~~The CUPA shall develop a written plan to implement an Inspection and Enforcement Program. The plan shall be developed and implemented in cooperation with all participating agencies of the jurisdiction. The plan shall include:~~

~~The Unified Program shall include a single Unified Inspection and Enforcement Program which shall be implemented according to the Inspection and Enforcement Program Plan identified in subsection (f) of this Section.~~

~~(1) Provisions for administering all program elements.~~

~~(2b) The following types of inspections that shall be shall be conducted within the Unified Program and shall be~~ conducted according to the standards contained in statute and regulation:

~~(A1) Hazardous waste generator inspections [refer to Sections 25150, 25159, Health and Safety Code; Chapter 12, Division 4.5, Title 22 of the California Code of Regulations].~~

~~(B2) Inspection of onsite hazardous waste treatment activities under the conditionally exempt, conditionally authorized, and permit by rule tiers of Tiered Permitting [refer to Sections 25200.3, 25201.5, Health and Safety Code; Chapter 45, Division 4.5, Title 22 of the California Code of Regulations].~~

~~(C3) Underground Storage Tank Program inspections [refer to Section 25288, Health and Safety Code; Section 2712 et seq., Chapter 16, Division 3, Title 23 of the California Code of Regulations].~~

~~(D4) Business Plan Program inspections [refer to Section 25500 et seq., Health and Safety Code].~~

~~(E5) California Accidental Release Prevention (CalARP)Risk Management and Prevention Program inspections [refer to Section 25533 et seq., Health and Safety Code].~~

~~(F6) Other inspections that may be consolidated pursuant to Health and Safety Code Section 25404.2(a)(1).~~

~~(3) A schedule of the inspection frequencies to be conducted, which shall, at a minimum, meet the inspection frequencies mandated in statutes, as shown in Figure 1.~~

~~(A) If there is no mandated inspection frequency, inspection frequency scheduling shall consider the following: local zoning requirements, population density, local ground water conditions, identified hazards of a type of business, quantity and types of hazardous materials, emergency response capability, compliance history and any other pertinent local issues.~~

Figure 41 – MANDATED INSPECTION FREQUENCIES

Program Element	Inspection Frequency	Statutory Reference
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Hazardous Waste Generator Program	No mandated frequency	
Hazardous Waste Treatment Activities – PBR, CA and CE	at least once every 3 years	Health & Safety Code Section 25201.4(b) <del>modified by SB 1191, 1995</del>
Underground Storage Tank Program	<del>Annually</del> <del>at least once every 3 years</del>	Health & Safety Code Section 25288(a)
<del>Business Plan</del> <del>Hazardous Materials Release Response Plans and Inventories Program</del>	at least once every 3 years	Health & Safety Code Section 25508(b)
<del>CalARP Risk Management and Prevention Plans and Inventory Program</del>	at least once every 3 years	Health & Safety Code Section 25537

(4) Coordination of inspection efforts between the CUPA and its participating agencies.

(5) Enforcement notification procedures that ensure:

(A) appropriate confidentiality.

(B) coordination and timely notification of appropriate prosecuting agency(ies).

(6) Identification of all available enforcement options and include all available applying uniform and coordinated application of all available enforcement options..

(7) Identification of penalties and enforcement actions, which are consistent and predictable for similar violations and no less stringent than state statute and regulations.

(8) A graduated series of enforcement actions, ~~which~~ that may be taken by the UPAs, based on the severity of the violation.

(9) Provisions for multi-media enforcement.

(10) A description of how the CUPA minimizes or eliminates duplication, inconsistencies and lack of coordination within inspection and enforcement program.

(11) Provisions for coordinating enforcement efforts between the CUPA and its participating agencies.

(b) The Inspection and Enforcement Program Plan shall at a minimum be annually reviewed by the CUPA.

(1) The CUPA shall consult with and reach consensus with the participating agency prior to any changes that affect program elements for which the participating agency is responsible.



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#### (2) The CUPA shall update the plan as necessary.

(c) The CUPA shall ~~encourage participation in an integrated/~~multi-media enforcement approach to the unified inspection and enforcement program in order to promote the effective detection, abatement and deterrence of violations affecting more than one environmental medium or regulatory scheme.

(d) In addition to the mandatory elements of Health and Safety Code Division 20, Chapter 6.5, the CUPA may integrate optional waste reduction and pollution prevention programs into the unified Inspection and Enforcement Program.

(e) CUPAs are responsible for initiating enforcement actions when appropriate, but may also refer enforcement cases to the appropriate state or federal agency for their considerationDTSC.

(fe) These regulations shall not limit the authority of any state agency to investigate alleged violations of state law. These regulations shall not limit appropriate state agencies from taking any other actions, which are mandated, allowed, or authorized pursuant to state law.

~~(1) The Department of Toxic Substances Control will notify the appropriate CUPA of any investigation it will conduct of hazardous waste generators, hazardous waste generators conducting treatment conditionally authorized pursuant to Section 25200.3, hazardous waste generators conducting treatment conditionally exempted pursuant to Section 25201.5, and facilities deemed to hold a permit by rule pursuant to the regulations adopted by the Department. The CUPA shall not disseminate information related to an ongoing investigation.~~

~~(f) The applicant agency shall develop and the Certified Unified Program Agency shall implement an Inspection and Enforcement Program Plan. The Inspection and Enforcement Program Plan shall be prepared in cooperation with all proposed participating agencies of the jurisdiction and shall contain provisions for administering all program elements.~~

~~(1) The plan shall include an inspection component. The inspection component shall include the following:~~

~~(A) The number of regulated businesses within each program element and the mandated frequency of inspections for those regulated businesses.~~

~~(B) A schedule of the frequency of inspections to be conducted, which shall meet the minimum inspection frequency(s) mandated in statutes.~~

~~(C) If there is no mandated inspection frequency, inspection frequency scheduling shall consider the following: local zoning requirements, population density, local ground water conditions, identified hazards of a type of business, quantity and types of hazardous materials, emergency response capability, compliance history and any other pertinent local issues.~~

~~(D) Provisions to promote integrated multi-media inspections.~~

~~(E) A mechanism to ensure that Unified Program inspector training meets or exceeds requirements currently set forth in statute or regulations.~~

~~(F) Methods to cross-train staff.~~

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~~(G) To the maximum extent feasible, coordinate inspection and enforcement efforts between the CUPA and its participating agencies.~~

~~(2) The plan shall include an enforcement component. The Enforcement Component shall include the following:~~

~~(A) A description of responsible agency enforcement notification procedures which ensure the following:~~

~~(i) appropriate confidentiality.~~

~~(ii) coordination and timely notification between responsible agencies and the appropriate prosecuting agency.~~

~~(B) Uniform and coordinated application of enforcement standards.~~

~~(C) Penalties and enforcement actions, which are consistent and predictable for similar violations and no less stringent than state statute and regulations.~~

~~(D) A graduated series of enforcement actions, which may be taken by the responsible agencies, based on the severity of the violation.~~

~~(E) Provisions for county and/or regional meetings of the CUPA with its participating agencies and between the CUPAs in a county wide or regional area involving multiple CUPAs at least every quarter. The purpose of the meeting will be to discuss integrated multi-media enforcement, programs, which include joint and combined inspection and enforcement;~~

~~(F) A description of the efforts made to eliminate duplication, inconsistencies and lack of coordination within inspection and enforcement programs.~~

~~(G) Provisions to encourage joint, combined and integrated/multi-media inspections whenever possible.~~

~~(3) The Inspection and Enforcement Program plan shall at a minimum be annually reviewed by the CUPA.~~

~~(A) The CUPA shall consult with and reach consensus with the participating agency prior to any changes which affect program elements for which the participating agency is responsible.~~

~~(B) The CUPA shall prepare a summary of the annual plan review, pursuant to Section 15280(a)(2). The summary shall discuss effectiveness and efficiency of the Inspection and Enforcement Program activities for the prior year.~~

~~(4) The CUPA shall update the plan as necessary.~~

## §15210. **What is a Single Fee System and how must it operate?**

(a) ~~Each applicant agency shall develop and e~~Each CUPA shall implement a Single Fee System ~~which shall replace,~~ within its jurisdiction. The Single Fee system will do the following;

(1) to Consolidate all fees currently mandated in statute and regulation used for local implementation of the Unified Program, Health and Safety Code, Sections 25205.14 (Tiered Permitting), 25287 (Underground Storage Tanks), 25513 (Business Plans), 25535.2 (Risk Management Prevention Plans)

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(2) ~~Consolidates and~~ any other fees levied by a local agency specifically to fund the ~~ir~~ implementation of the programs specified in Health and Safety Code Section 25404(c).

(b4) The Single Fee System may be used to charge fees for programs ~~which~~that are not listed as Unified Program elements in Health and Safety Code, Section 25404.5(e), if those programs are incorporated into the Unified Program.

(c2) The Single Fee System may reflect variations in cost to implement and maintain programs for different regulated businesses.

(1A) Fee schedules shall be based on factors associated with the cost of implementing and maintaining programs.

(2B) Fees may differ from one jurisdiction to the next, based on the necessary and reasonable costs to implement the Unified Program.

(3C) The fee schedule may be adjusted by the CUPA to reflect changes in reasonable and necessary costs.

(d3) Provided the single fee system meets the minimum requirements of the law, a CUPA or a participating agency has the authority to determine the level of service it will provide and to set its fees to fund the necessary and reasonable costs of its program.

(e4) Each participating agency shall notify the CUPA of its program costs.

(f5) The CUPA shall ensure that all funds collected on behalf of the participating agency are forwarded to the participating agency.

(1A) The CUPA shall pay the participating agency within 45 days of receiving fees designated for the participating agency unless the participating agency and CUPA agree in writing to an alternate schedule.

(g5) Each billing statement shall itemize the fees by program element, if those fee elements are calculated separately.

(h6) Fees for non-recurring activities of the CUPA or participating agency such as, but not limited to, the fee for an initial permit or special inspection, may be billed separately from the single fee billing.

(i7) The governing body of the CUPA shall establish the fee schedule for businesses regulated under the Unified Program. The governing body of the CUPA shall utilize the fee schedules established by the participating agencies and authorize the collection of those fees.

(j8) The CUPA or participating agency shall make fees schedules available to interested parties upon request.

(k9) The CUPA shall ~~applicant agency shall develop, and if certified, implement a mechanism to~~ resolve fee disputes which arise between the CUPA and participating agencies, between a regulated business and either the ~~responsible~~participating agency or the CUPA, or

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between a regulated business and the state regarding the state surcharge ~~[refer to Section 15250(d)]~~.

(1) The CUPA shall attempt to resolve disputes involving the surcharge in the same manner used to resolve local fee disputes. Those disputes regarding the state surcharge, which cannot be resolved locally may be referred to the Secretary.

(A) Disputes referred to the Secretary shall be in writing and shall include a recommendation for resolution.

(l) The Single Fee System shall include mechanisms for the billing, collection and transmittal of the state surcharge.

(1) The CUPA may show the state surcharge as a separate item or items within the single fee billing.

### 15220 Fee Accountability Program

~~(ab)~~ Each CUPA shall implement a fee accountability program designed to encourage ~~more~~ efficient and cost-effective operation of the program for which the single fee and surcharge are assessed.

(1) The fee accountability program shall be instituted before the single fee system. The fee accountability program shall include at a minimum the following elements:

(A) ~~A procedure of a~~ accounting for: the fee schedule, the actual amount billed, and the revenue collected.

(B) Discrete billable services, categorized as either site specific or general.

(C) Staff work hours required to implement the program.

(D) Direct program expenses including durable and disposable equipment.

(E) Indirect program expenses including overhead for facilities and administrative functions.

(F) The number of regulated businesses in each program element within the jurisdiction.

(G) Total number of regulated businesses in the jurisdiction.

(H) Quantity and range of services provided, including frequency of inspection.

(2) The CUPA and participating agencies shall annually review and update the fee accountability program.

~~(c) The Single Fee System shall include mechanisms for the billing, collection and transmittal of the state surcharge.~~

~~(1) The CUPA may show the state surcharge as a separate item or items within the single fee billing.~~

~~(2) The CUPA shall transmit to the Secretary all surcharge revenues collected in accordance with Health and Safety Code Section 25404.5(b). Table 7 shall be used as a cover for all transmittals, unless otherwise agreed upon between the applicant agency and the Secretary.~~

~~(d) The CUPA shall provide the Secretary with information necessary for determination of the annual surcharge.~~

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(1) ~~The applicant agency shall include in the application for certification the number of regulated businesses and the number of underground tanks in its jurisdiction [refer to Section 15150(e)(4)].~~

(2) ~~The CUPA shall update the data required in this subsection annually and shall report such data to the Secretary by September 30 of each year using Table 8, unless otherwise agreed upon between the applicant agency and the Secretary [refer to Sections 15250(e) and 15280(b)].~~

(3) ~~If the Secretary does not receive current information on the regulated business from each CUPA, the Secretary may use whatever information is available to estimate the data on regulated business.~~

#### **~~§15220. How should the Unified Program transition from a multiple fee system to a single fee system?~~**

(a) ~~The applicant agency shall develop a single fee system implementation plan which provides for a transition from multiple billing statements and collection agencies within the Unified Program, to a single billing statement and collection agency within the Unified Program.~~

(1) ~~The applicant agency shall provide for public participation and review of the proposed single fee system implementation plan.~~

(2) ~~The implementation plan shall provide for a transition period no longer than 5 years.~~

(3) ~~The implementation plan shall provide for regulated businesses to receive a single billing statement annually which includes all recurring Unified Program activity fees.~~

(4) ~~The implementation plan shall provide for regulated businesses to remit Unified Program fees with a single payment.~~

(5) ~~The single fee system implementation plan shall include provisions for instances of non payment.~~

(b) ~~A CUPA which has partially implemented the single fee system but requires an extension of the transition period may petition the Secretary for an exception of the five year limit.~~

(1) ~~The CUPA shall submit such petition at least one year prior to expiration of the five year limit.~~

(2) ~~The Secretary shall rule on such petitions within 180 days of receipt of the request for extension.~~

#### **~~§15230. What are a participating agency's responsibilities within the Single Fee System?~~**

(a) ~~Establish fees which reflect the necessary and reasonable costs of implementing the associated program element or elements.~~

(b) ~~Notify the CUPA of that fee amount within the time frame as identified in the Unified Program single fee system implementation plan.~~

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#### §15240. ~~What is the State's~~ Surcharge r~~Responsibilities~~es~~y with regard to the Surcharge?~~

(a) The Secretary shall determine the annual surcharge based on the assumptions, calculations, and supporting data that justify the reasonable and necessary costs of CUPA oversight and program element management by state agencies with responsibilities under the Unified Program.

(1) The Secretary shall determine the amount of ~~each~~ surcharge component based upon information received from each state agency responsible for activities under Health and Safety Code, Division 20, Chapter 6.11.

(2) Each state agency responsible for activities under Health and Safety Code, Division 20, Chapter 6.11 shall submit to the Secretary, on a date specified by the Secretary, its projected reasonable and necessary costs, including the detailed supporting information to carry out responsibilities under Health and Safety Code Division 20, Chapter 6.11.

(3) Reasonable and necessary costs shall include but are not limited to, the costs of bad debts, and uncollected fees.

(b) The Secretary shall review annually, and revise if necessary, the state surcharge to be assessed on regulated businesses. The state surcharge shall not be revised more than once per year.

(c) The Secretary shall determine the amount of state surcharge to be assessed on each person regulated by the unified program in order to cover the necessary and reasonable costs of the state agencies in carrying out their responsibilities under Health and Safety Code, Division 20, Chapter 6.11, pursuant to Health and Safety Code Section 25404.5(b)(1). The state surcharge consists of the following components:

(1) Hazmat - A component for oversight of each CUPA assessed on all regulated businesses.

(2) UST - A component assessed on regulated businesses for each underground storage tank, which meets the criteria of Health and Safety Code Sections 25281~~(yx)(1) and 25287~~.

(3) CalARP - A component assessed on regulated businesses ~~regulated~~ under the Health and Safety Code Section 25531 et seq., the ~~California Accidental Release Prevention (CalARP)~~ program. This CalARP surcharge component is assessed on each regulated a single company or business within a CUPA's jurisdiction, ~~regardless of the business's number of stationary sources.~~

(A) A regulated business is not required to pay the CalARP surcharge component if a CUPA makes a determination that there is not a significant likelihood of a regulated substances accident risk and does not require the preparation and submission of a risk management plan at any stationary source operated by that business in the CUPA's jurisdiction, pursuant to Health and Safety Code, Section 25534. This CalARP ~~program~~ surcharge component waiver is effective starting in the following fiscal year after the determination is made by the CUPA. If subsequent changes lead to a re-determination and a requirement by the CUPA to prepare and submit any

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risk management plan at any of the business's stationary source(s), then this surcharge component will be assessed beginning in the following fiscal year.

~~(d) The Secretary shall resolve those state surcharge disputes which cannot be resolved locally pursuant to Section 15250(d).~~

~~(de)~~ The Secretary shall publish the amendments to the state surcharge in the California Regulatory Notice Register and accept comments on the proposed surcharge for 30 days.

~~(ef)~~ Following the 30 day comment period required in subsection (e) for this section, the Secretary will publish the final surcharge in the California Regulatory Notice Register.

~~(fg)~~ Sixty days following the publishing of the final surcharge in the California Regulatory Notice Register, all bills issued by the CUPAs ~~shall be responsible for collecting the new surcharge~~ as part of their Single Fee System shall include the new surcharge.

#### **§15250. ~~What is the~~ CUPA's Surcharge ~~r~~Responsibilities sy with regard to the Surcharge?**

~~(a) Collection and record keeping.~~

~~(1) The CUPA shall implement procedures to ensure collection of the surcharge for all program elements within its Unified Program as part of their single fee system. These procedures should address at a minimum, the suspension of permits for non-payment or late payment.~~

~~(2) The surcharge may be shown as a separate item on billing statements sent out to regulated businesses.~~

~~(3) The CUPA shall meet surcharge collection and reporting requirements for all program elements within its Unified Program.~~

~~(14)~~ Willful or negligent failure to collect the surcharge may be a basis for withdrawing the CUPA's certification.

~~(5) The CUPA or other Responsible Agency shall retain surcharge billing and collection records for five (5) years following closure of any billing period or until completion of any audit in process, whichever is longer.~~

~~(6) The CUPA shall provide access to surcharge billing, collection and transmittal records within 60 days following a request from the Secretary.~~

~~(27)~~ The CUPA shall begin assessing the surcharge within its first billing cycle or within twelve months after the effective date of certification, whichever is shorter. The full surcharge will be assessed and collected within twelve months of the effective date of certification and every twelve months thereafter.

~~(38)~~ The CUPA may waive the state surcharge for specific regulated businesses provided that the criteria for waiving the state surcharge meets the same standards as those established by the CUPA for waiving the single fee.

(A) The state surcharge must be assessed and collected ~~may not be waived~~ for any regulated business so long as the regulated business is assessed a fee under the single fee system.



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(iA) The Secretary may revoke the CUPA's authority to waive state surcharge fees if it is determined that the CUPA consistently does not make a reasonable, good faith effort to protect the State's interests or is not following the established criteria for waiving the state surcharge.

(B) If a CUPA prorates their fees for regulated business in operation for part of a year, the applicable surcharge components may be prorated at the same rate.

#### ~~(b) Remittance to the Secretary.~~

~~(1) The CUPA shall transmit all collected state surcharge revenues to the Secretary quarterly, within 30 days of the end of each state fiscal quarter.~~

~~(A) With each surcharge transmittal the CUPA shall separately report the amount of surcharge revenues collected for: CUPA oversight, regulated underground storage tanks, and the CalARP Program.~~

~~(B) Failure to transmit the surcharge after collection may be a basis for withdrawing the CUPA's certification.~~

~~(C) Remit the collected state surcharge revenues with a completed copy of Report 1 to:~~

~~SECRETARY FOR ENVIRONMENTAL PROTECTION  
C/O AIR RESOURCES BOARD  
ACCOUNTING/GRANTS BRANCH  
P.O. BOX 2815  
SACRAMENTO, CALIFORNIA 95812-2815~~

#### ~~(c) Reporting to the Secretary that information necessary to determine surcharge.~~

~~(1) The applicant agency shall include in the application for certification: the number of regulated businesses and the number of underground tanks in its jurisdiction and the number of businesses regulated under the CalARP Program prior to certification.~~

~~(2) Each CUPA shall provide to the Secretary by September 30, annually, the summary reports required in Section 15290.~~

~~(3) The Secretary shall provide copies of the received summary reports required pursuant to Section 15290 to any state agency with program element responsibilities under the Unified Program upon request.~~

#### ~~(d) Surcharge dispute resolution or referral.~~

~~(1) The CUPA shall prepare and implement a plan to resolve disputes with regulated businesses involving the state surcharge. The dispute resolution process may allow the CUPA to waive the state surcharge or a portion of the Surcharge for specific regulated businesses, provided that:~~

~~(A) The criteria for waiving the state surcharge shall meet the same standards as those established by the CUPA for waiving the single fee.~~

~~(B) The portions of the state surcharge for oversight may not be waived for any regulated business as long as the CUPA is receiving a single fee from that regulated business.~~

~~(2) The Secretary may revoke the CUPA's authority to waive state surcharge fees if it is determined that the CUPA consistently does not make a reasonable, good faith~~

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~~effort to protect the State's interests or is not following the established criteria for waiving the state surcharge.~~

~~(3) The CUPA shall attempt to resolve disputes involving the surcharge. Those disputes which cannot be resolved locally may be referred to the Secretary.~~

~~(A) Disputes referred to the Secretary shall be in writing and shall include a recommendation for resolution.~~

~~(e) The CUPA shall provide access to surcharge billing, collection and transmittal records upon the Secretary's request.~~

~~(f) The responsible agency shall retain surcharge billing and collection records for five (5) years following closure of any billing period or until completion of any audit in process, whichever is longer.~~

## **§15260. What tCUPA - Education, Technical eExpertise, and ongoing tTraining is required of a CUPA?**

(a) Agencies which will assume new program elements as a CUPA or a participating agency are required to meet the standards in effect at the time of application for those program elements.

(b) CUPAs shall meet the following minimum educational requirements:

(1) Technical program staff and supervisors, excluding administrative support staff, who are implementing Unified Program requirements shall possess:

(A) Thirty (30) semester units earned from an accredited college or institution approved by the California Superintendent of Public Instruction under the provisions of California Education Code Section 94310(b), in one or more of the following disciplines:

(i) biology or microbiology

(ii) chemistry, chemical engineering

(iii) physics, physical science

(iv) environmental science

(v) geology or soil science

(vi) environmental health

(vii) environmental or sanitary engineering

(viii) toxicology

(ix) industrial hygiene

(x) hazardous materials management

(xi) fire science, fire technology;

- OR -

(B) Equivalent to graduation from an accredited college or university or equivalent degree approved by the California Superintendent of Public Instruction under the provisions of California Education Code Section 94301(b) with major course work in the disciplines listed in Paragraph (3)(A)(i);

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- OR -

(C) Qualifying experience in hazardous materials management, regulation, analysis, or research; environmental research, monitoring, surveillance or enforcement; or resource recovery may be substituted for the required education, on the basis of one year of qualifying experience for 15 units of college course work authorized pursuant to Paragraph (A)(i), for up to a maximum of 15 units.

(2) One or more CUPA technical staff or supervisors shall possess:

(A) The equivalent to graduation from an accredited college or university or equivalent degree approved by the California Superintendent of Public Instruction under the provisions of California Education Code section 94310(b) with major coursework in the following disciplines:

(i) biological sciences

(ii) chemical, physical, environmental or soil science;

(iii) environmental health;

(iv) environmental or sanitary engineering;

(v) toxicology;

(vi) industrial hygiene; or,

(vii) a related field;

-OR-

(B) Registration as an Environmental Health Specialist may be substituted for the required education.

-OR-

(C) Qualifying experience in hazardous materials management, regulation, analysis, or research; environmental research, monitoring, surveillance or enforcement; or resource recovery may be substituted for the required education on the basis of one year of qualifying experience for each year of college work for up to a maximum of two years. When substituting experience for education, qualifying education must include a minimum of 30 semester units in natural science from an accredited college or equivalent units from an institution approved as above;

(3) New CUPA employees must meet the educational requirements within one year from their date of hire.

(c) Agencies presently implementing one or more program elements of the Unified Program shall be considered to possess adequate expertise to implement those specific program elements as participating agencies or as the CUPA.

(1) One or more CUPA technical staff or supervisors shall have a minimum of one year experience in conducting hazardous materials or hazardous waste regulatory compliance inspections.

(d) CUPAs shall meet the following minimum training requirements:

(1) Technical program staff and supervisors, excluding administrative support staff, who are implementing Unified Program requirements shall have a minimum of 100 hours of training or experience for all the following subject areas:

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(A) Federal and state statutes and regulations related Unified Program elements;

(B) Classification, identification, and chemistry of hazardous materials and hazardous waste;

(C) Health and environmental effects of hazardous substances, including chemical exposure and route of entry;

(D) Sampling, collection, and preservation methodologies;

(E) Use of instrumentation for detection and sampling of hazardous substances;

(F) Conducting inspections and enforcement actions, including enforcement response options;

(G) Writing inspection reports and notices of violation;

(H) Interviewing, case development, and collection and preservation of evidence.

(I) Witness training;

(J) Rules of evidence and the administrative hearing process;

(K) Penalty assessment;

(L) Negotiation techniques

(M) Health and safety training as specified in section 5192(e) Title 8, (xiv) California Code of Regulations;

(2) New CUPA employees must meet the training requirements within one year from their date of hire.

(3) Each fiscal year, specifically identify the training that technical staff and supervisors are to receive to maintain competency in the types of training identify in subsection 15260(de)(1).

(e) CUPAs shall maintain training Personnel records of all personnel.

(i) The responsible agency shall maintain training records.

(1) The responsible agency shall make training records available to the CUPA upon request.

(iii) The CUPA shall provide training records or access to training records to the Secretary upon 30 days request.

In the application for certification each applicant agency shall present evidence that adequate technical expertise is possessed by staff.

(1) Agencies presently implementing one or more program elements of the Unified Program shall be considered to possess adequate expertise to implement those specific program elements as participating agencies or as the CUPA. This information will be obtained from the application pursuant to Section 15150.

(2) Agencies which will assume new program elements as a CUPA or a participating agency are required to meet the standards in effect at the time of application for those program elements.

(3) Agencies that will seek certification as a CUPA are also required to meet the following minimum qualifications:

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~~(A) CUPA technical program staff and supervisors who are involved in specific activities associated with oversight of the local Unified Program requirements must meet the following minimum educational requirements:~~

~~(i) Thirty (30) semester units earned from an accredited college or institution approved by the California Superintendent of Public Instruction under the provisions of California Education Code Section 94310(b), from one or more of the following disciplines:~~

- ~~(aa) biology or microbiology~~
- ~~(bb) chemistry, chemical engineering~~
- ~~(cc) physics, physical science~~
- ~~(dd) environmental science~~
- ~~(ee) geology or soil science~~
- ~~(ff) environmental health~~
- ~~(gg) environmental or sanitary engineering~~
- ~~(hh) toxicology~~
- ~~(ii) industrial hygiene~~
- ~~(jj) hazardous materials management~~
- ~~(kk) fire science, fire technology;~~

~~—OR—~~

~~(ii) Equivalent to graduation from an accredited college or university or equivalent degree approved by the California Superintendent of Public Instruction under the provisions of California Education Code Section 94301(b) with major course work in the disciplines listed in Paragraph (3)(A)(i);~~

~~—OR—~~

~~(iii) Qualifying experience in hazardous materials management, regulation, analysis, or research; environmental research, monitoring, surveillance or enforcement; or resource recovery may be substituted for the required education, on the basis of one year of qualifying experience for 15 units of college course work authorized pursuant to Paragraph (A)(i), for up to a maximum of 15 units.~~

~~(B) CUPA technical program staff and supervisors who are involved in specific activities associated with oversight of the local Unified Program requirements shall meet minimum hours of training or experience requirements contained in subdivision (d)(3)(B) of this section, for all the following subject areas:~~

- ~~(i) Regulatory overview;~~
- ~~(ii) Classification, identification, and chemistry of hazardous materials and hazardous waste;~~
- ~~(iii) Health and environmental effects of hazardous substances, including chemical exposure and route of entry;~~
- ~~(iv) Sampling methodologies and use of instrumentation for detection and sampling of hazardous substances;~~
- ~~(v) Conducting inspections and enforcement actions, and writing inspection reports and notice of violation;~~

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~~(vi) Interviewing, case development, and collection and preservation of evidence.~~

~~(b) One or more CUPA technical staff or supervisors, as needed to effectively meet the requirements of Paragraphs (3)(A) and (3)(B), shall meets the requirements of subdivision (d) of this section.~~

~~(c) The applicant agency shall identify the specific types of ongoing training which technical staff and supervisors are required to receive. Technical staff and supervisors of the CUPA and participating agencies shall receive training in the following areas:~~

- ~~(1) hazardous materials and hazardous waste permitting, inspection and enforcement duties and responsibilities pursuant to state law and regulation, and to local ordinances and resolutions;~~
- ~~(2) inspection techniques and scheduling, including evidence collection, chain of custody, sample preservation, and interviewing;~~
- ~~(3) administration practices within a hazardous materials and hazardous waste program;~~
- ~~(4) monitoring equipment, data evaluation, and interpretation of the results as related to hazardous materials and hazardous waste analysis~~
- ~~(5) field staff health and safety training including: planning field inspections, safety equipment, on site procedures, decontamination and hazard recognition and avoidance.~~

~~(1) Education Requirements:~~

~~(A) Equivalent to graduation from an accredited college or university or equivalent degree approved by the California Superintendent of Public Instruction under the provisions of California Education Code section 94310(b) with major coursework in biological, chemical, physical, environmental or soil science; environmental health; environmental or sanitary engineering; toxicology; industrial hygiene; or a related field. Additional qualifying experience in hazardous materials management, regulation, analysis, or research; environmental research, monitoring, surveillance or enforcement; or resource recovery may be substituted for the required education on the basis of one year of qualifying experience for each year of college work for up to a maximum of two years. When substituting experience for education, qualifying education must include a minimum of 30 semester units in natural science from an accredited college or equivalent units from an institution approved as above; or~~

~~(B) Registration as an Environmental Health Specialist may be substituted for the required education.~~

~~(2) Participating staff shall have a minimum of one year experience in conducting hazardous materials or hazardous waste regulatory compliance inspections.~~

~~(3) Staff participating in field order issuance shall complete the following minimum training:~~

~~(A) Health and safety training as specified in section 5192(e) Title 8, California Code of Regulations;~~

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~~(B) 100 hours of training in regulatory investigative techniques including training in the following subjects:~~

- ~~(i) Federal and state statutes and regulations on hazardous waste control;~~
- ~~(ii) Conducting an inspection;~~
- ~~(iii) Waste classification;~~
- ~~(iv) Inspection report writing;~~
- ~~(v) Collection and preservation of samples;~~
- ~~(vi) Enforcement response options;~~
- ~~(vii) Writing reports of violation;~~
- ~~(viii) Interviewing;~~
- ~~(ix) Case development;~~
- ~~(x) Collection and preservation of evidence;~~
- ~~(xi) Witness training;~~
- ~~(xii) Rules of evidence and the administrative hearing process; and~~
- ~~(xiii) Training on the issuance of field orders.~~

~~(C) Staff participating in the desk order process and conducting informal hearings under the field order process shall have 24 hours of training in the following additional areas:~~

- ~~(i) Training on penalty assessment;~~
- ~~(ii) Negotiation techniques; and~~
- ~~(iii) Training on the issuance of desk orders.~~
- ~~(iv) It shall be the responsibility of the CUPA to document the training and experience of staff participating in this program.~~

#### **§15270. PA - Technical Expertise and Training** ~~What technical expertise and ongoing training is required of a participating agency?~~

(a) A participating agency implementing one or more of the program elements on or before December 31, 1995 shall be considered qualified to implement those specific program element(s) ~~[refer to Section 15260(a)(1)]~~.

(b) A participating agency that does not implement one or more program elements as of December 31, 1995, but intends to assume responsibility for implementation of a program element is required to meet the standards in effect at the time of application for that program element as identified ~~[refer to in Section 15260(a)(2)]~~.

(c) Participating agency technical staff and supervisors shall meet the ~~ongoing~~ training requirements identified in Section 15260(~~de~~)(1).

(d) New PA employees must meet the training requirements in section 15260(g) within one year from their date of hire.



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(e) Each fiscal year, specifically identify the training that technical staff and supervisors are to receive to maintain competency in the types of training identify in subSection 15260(de)(1).

(f) PAs shall maintain training records of all technical staff and supervisors.

(1) The PA shall make training records available to the CUPA upon request.

## Article 6. CUPA Self-Auditing and Reporting

### §15280. What sSelf-auditing requirements must the CUPA follow?

(a) A self-audit is an evaluation conducted by the CUPA of its annual Unified Program activities and includes an evaluation of any participating agencies or other contracting agencies.

(1) The CUPA shall conduct an annual self-audit at the end of each state fiscal year. Annual self-audit reports shall be completed by September 30 of each year. The time period covered by each self-audit is the state fiscal year from July 1 through June 30 of each year.

(12) The first self-audit report shall be produced by September 30 following a full year of operation as a CUPA, and shall be maintained on file by the CUPA for a period of five (5) years.

(3) Upon written request of the Secretary or a state agency responsible for overseeing one or more program elements, the CUPA shall forward the self-audit to the person or agency making the request upon 60 days notice.

(24) For an agency authorized to continue its role, responsibilities, and authority for a program element or elements pursuant to Health and Safety Code Sections 25404.3(f) or 25533(f), the self-audit shall only include information on the program element or elements that particular agency is authorized to continue to operate and shall not include information related to the surcharge or single fee system.

(b) The self-audit shall assessinclude the following:

(1) The CUPA's self-audit includes an evaluation of participating agency performance.

(A) The self-audit shall address at a minimumAn evaluation of the performance of the CUPAs and any PAs implementation of standards in statutes and regulations established by the Secretary or the state agencies responsible for one or more of the program elements.all program elements including the periodic evaluation of participating agencies, and

(c) The self audit report shall include:

(1) Aa report of deficiencies with a plan of correction[refer to Section 15180(a)(8)].

(B) The CUPA shall prepare a summary of the findings of each self-audit and shall maintain the summary and self-audit records at the primary CUPA address provided in the application or as subsequently revised by the CUPA and provided to the Secretary at the address given in Section 15290(c).

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(2) ~~A Narrative summaries of program element the effectiveness of~~ activities including, but not limited to:

~~(A) the effectiveness and efficiency of pPermitting, and~~

~~(B) iInspections, and~~

~~(C) eEnforcement activities.~~

~~(D) The Single Fee System undertaken and a copy of the a~~

(3) ~~An explanation of any discrepancy between A~~annual, biennial, and quarterly reports of program activities submitted to the Secretary pursuant to Section 15290 ~~and the Unified Program requirements for those activities.~~

~~(3) A summary of Single Fee System activities.~~

~~(4) A narrative summary of the progress made toward consolidating, coordinating, and making consistent the Unified Program.~~

~~(4E) The annual review and update of the fee accountability program as required by Section 15220.~~

(5) A record of changes in local ordinances, resolutions, and agreements affecting the Unified Program.

~~(6) A narrative summary of the annual review and update of the fee accountability program as required by Section 15210(b)(2).~~

~~(67) A summary of new programs being included in the Unified Program if applicable.~~

~~(8) A demonstration that the CUPA has satisfied the specific self-audit and performance standards established in regulation by the Secretary or the state agencies responsible for one or more of the program elements.~~

## §15290. ~~What r~~Reportings must the CUPA submit to the State?

~~(a) Within 30 days of the end of each state fiscal quarter, the CUPA shall transmit all surcharge collections to the Secretary using the Surcharge Transmittal Summary Report 1.~~

~~(1) The CUPA shall separately report the amount of surcharge collected for the following components: Hazmat, UST, and CalARP.~~

~~(2) Remit the collected state surcharge revenues with a completed copy of Report 1 to:~~

~~SECRETARY FOR ENVIRONMENTAL PROTECTION  
C/O AIR RESOURCES BOARD  
ACCOUNTING/GRANTS BRANCH  
P.O. BOX 2815  
SACRAMENTO, CALIFORNIA 95812-2815~~

~~(ba)~~ The CUPA shall submit the following reports for the previous fiscal year to the Secretary by September 30 of each year. The first reports shall be submitted by September 30 following a full State fiscal year of operation as a CUPA.

(1) The Annual Single Fee Summary Report using Report 2. It includes:

(A) The amount of the single fee billed and the amount collected.

(B) The amount of any funds due to participating agencies and the amount actually transmitted.

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(C) The amount of surcharge billed, the amount of surcharge waived, and the amount of surcharge collected for each of the following categories:

- (i) ~~Hazmat-CUPA oversight~~
- (ii) ~~UST~~Regulated underground tanks
- (iii) ~~CalARP California Accidental Release Prevention program~~

(D) If the CUPA believes that the number of regulated businesses will change significantly in the current year or in the next year, then estimates of those changes for each program element will be provided in a cover letter with Report 2.

(E) A count for the year of the report of the total regulated businesses, underground storage tank facilities, underground storage tanks, onsite hazardous waste treatment facilities (permit by rule, conditionally authorized, and conditionally exempt), CalARP program stationary sources, waivers granted to stationary sources, and businesses subject to the CalARP program surcharge.

(2) Annual Inspection Summary Report, using Report 3, provides summary information for each program element. The hazardous waste element is separated into parts for generators, large quantity generators, recyclers, and onsite treatment as shown on Report 3. The summary information includes the number of regulated businesses, total number of inspections, routine inspections, other inspections, and the inspected businesses that returned to compliance within established standards after routine inspections. Established standards vary by program element and are found in either state law or regulations, or the CUPA may adopt more stringent standards by local ordinance or in its application for certification. The report also collects total counts (not by program element) for these types of inspections: combined routine, joint, and integrated/multi-media; and a count of Risk Management Plan audits for the CalARP program.

(3) Annual Enforcement Summary Report, using Report 4, provides summary information for each program element. The hazardous waste element is separated into parts for generators, large quantity generators, recyclers, and onsite treatment, as shown on Report 4. The summary information includes the number of facilities with violations by type of violation; the number of informal enforcement actions; the total number of administrative actions, civil and criminal referrals and enforcement actions, and the total amount of fines and penalties initially assessed and collected. For the Class I and II violations within the hazardous waste program, it also provides a count of the total number of formal enforcement actions that were initiated within 135 days from the first day of a routine inspection or after making a determination of the violations for a complaint investigation. (This last count excludes minor violations.)

~~(4e)(f)~~ Reports 2 through 4 shall be submitted by the CUPA to the:  
SECRETARY FOR ENVIRONMENTAL PROTECTION  
1001 I STREET  
SACRAMENTO, CALIFORNIA 95814

~~(c)~~b The CUPA shall submit the Biennial Tiered Permitting Release Report, using Report 5, to the Secretary for the previous two-year period by August 30, every other year starting in 2000. This report provides a listing of all unauthorized and accidental releases to the

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environment from any onsite tiered permitting facility. This includes releases identified by the CUPA or other responding agencies or as self-reported to the CUPA by the regulated business. The report includes the EPA ID number, facility name and address, type of facility (based on the highest tier), date of the release, description of release, and whether the corrective action is completed at the time of the report.

~~(c)(i) Reports 2 through 4 shall be submitted by the CUPA to the:~~

~~SECRETARY FOR ENVIRONMENTAL PROTECTION  
1001 I STREET  
SACRAMENTO, CALIFORNIA 95814~~

(1ii) Report 5 shall be submitted by the CUPA to the:

DEPARTMENT OF TOXIC SUBSTANCES CONTROL  
STATE REGULATORY PROGRAMS DIVISION  
P.O. BOX 806  
SACRAMENTO, CALIFORNIA 95812-0806

(d) On a quarterly basis, each CUPA shall send information pertaining to local underground storage tank program implementation to the State Water Resources Control Board. This report shall satisfy the requirements of Health and Safety Code, Section 25299.7(b) and CCR Title 23, Section 2713.

(1) Quarterly Underground Storage Tank (UST) Program Report, using Report 6, provides information on quarterly changes to the count of regulated tank facilities; the number of active and permanently closed petroleum and hazardous substances tank systems; the completed UST facility inspections; and both a count and percent calculation of active UST systems with approved leak detection systems and the count and percent of UST systems that meet the 1998 upgrade or replacement requirements. This report is a turnaround document that is provided quarterly by the State Water Resources Control Board to each CUPA showing the previous quarter's information reported by the CUPA. The CUPA will also review and verify the information shown from the previous quarter and make any appropriate changes.

(2) The quarterly reports shall be submitted 60 days after the end of each quarter to the:

STATE WATER RESOURCES CONTROL BOARD  
DIVISION OF ~~CLEAN~~ WATER ~~QUALITY~~PROGRAMS, UST PROGRAM  
P.O. BOX ~~2231944212~~  
SACRAMENTO, CA ~~95812-22314244-2120~~

(e) The periodic reports required by Sections 15250 and 15290 shall be submitted in a paper form, unless the CUPA requests to submit the reports electronically and obtains the Secretary's prior approval of the file format.

(fe) If the CUPA chooses to submit Reports 3-6, required by Section 15290, to the State in an electronic format, the CUPA shall:

- (1) Meet the standards specified in Sections 15185 and 15187,
- (2) Submit the data using the same layout and present the required information in the same order and general sequencing for each page as shown on each report, or use a facsimile version thereof.
- (3) Collect and report all of the information found on the report that applies to the CUPA.

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(gf) Upon the written request of the Secretary or an authorized agent, or a state agency responsible for one or more program elements, the CUPA shall provide information listed in or derived from any part of the Unified Program Data Dictionary [refer to Appendices C and D] to the person or agency making the request within 60 days. The scope of these requests by the Secretary for information on facilities and/or CUPA activities is limited to data included in the data dictionary. These additional data reports shall be submitted in a paper form, unless the person or agency making the request approves a CUPA's request to submit the reports electronically. CUPAs may request an extension upon showing good cause.

(hg) Nothing in this chapter-section shall limit the authority of the Secretary to request records or documents that are normally maintained by the CUPA in the course of implementing the Unified Program, any other program reports required by federal or state law, or otherwise required by law to be retained by the CUPA.

(1) The CUPA shall provide this information to the Secretary within 60 days.

(i) The Secretary shall provide copies of the received summary reports required pursuant to Section 15290 to any state agency with program element responsibilities under the Unified Program upon request.

(i) Any other program reports required by federal or state law. The CUPA shall provide this information to the person or agency making the request within 60 days.

(j) The CUPAs shall report using the formats of Report 1 through 6, however, in 1998-99, CUPAs may submit incomplete Reports 3 and 4, if information on CUPA activities had not been collected using these categories for that entire reporting period. In those cases, the CUPA shall submit additional available information demonstrating inspection and enforcement activities for the 1998-99 fiscal year. Complete reports are required for the 1999-2000 fiscal year and subsequent submissions.

(jk) An agency authorized to operate a program element or elements pursuant to Health and Safety Code Sections 25404.3(f) or 25533(f) shall only report information on the implementation of the program element or elements that particular agency is authorized to operate and shall not include information related to the surcharge or single fee system.

(k3) If the Secretary does not receive current information on the regulated business from each CUPA, the Secretary may use whatever information is available to estimate the data on regulated business.

## Article 7. Changes in the Program

§15300. What activities require pPrior notification and approval of by the Secretary?

(a) A CUPA must notify and receive approval from the Secretary prior to instituting the following significant changes:

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- (1) Addition or deletion of a program element;
- (2) Replacement or addition of a participating agency.

#### ~~§15310. What are the notification and approval procedures for activities which require prior approval from the Secretary?~~

(~~a~~b) The CUPA shall submit a proposal for a significant change in the Unified Program, ~~as identified in section 15300,~~ to the Secretary for approval prior to instituting that change.

- (1) The CUPA shall submit a modification to all applicable sections of the application for certification with its proposal for a significant change in the Unified Program.
- (2) The CUPA shall simultaneously send a copy of the proposed change to the affected participating agency.
- (3) Any participating agency involved in implementing a program element that is subject to proposed change shall have the opportunity to provide information related to the issue.

(~~b~~c) The Secretary shall review proposed significant changes to a Unified Program following the steps identified in Section 15160, and may conduct a public hearing when necessary. The Secretary shall complete the review within 180 days.

(~~e~~d) The Secretary shall follow the certification appeal process pursuant to section 15160 if the CUPA appeals a decision pursuant to this subdivision.

#### ~~§15320. What procedure will be followed if w~~Withdrawal of a certification becomes necessary?

(a) ~~During periodic review of the Unified Program, or review of an amended application, if~~ the Secretary finds the program or the program implementation to be deficient, the Secretary may:

- (1) Issue a Notice of Intent to withdraw certification or
- (2) Enter into a program improvement agreement with the CUPA to correct the deficiencies.

(b) A Notice of Intent to withdraw certification shall include specific reasons why the CUPA has failed to meet its obligations, in accordance with Section 25404.4 of the Health and Safety Code, to adequately implement the Unified Program within its jurisdiction.

- (1) A period of 60 days shall be allowed for the CUPA to respond to the Notice of Intent to withdraw certification and to correct deficiencies.
- (2) A public hearing may be scheduled, at which the Secretary may hear the CUPA's response to the Notice of Intent to withdraw.

(c) If a city or joint powers agency certified as a CUPA and implementing the Unified Program within a city desires to withdraw as a CUPA, it shall give 180 days notice to the Secretary and to the county within which the city is located or to the joint powers agency with which the county has an agreement to implement the Unified Program prior to



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withdrawing from its Unified Program obligations. A successor CUPA will be chosen in accordance with the provisions of Section 25404.3(f) of the Health and Safety Code.

## Article 8. ~~State Performance Evaluations of CUPAs~~

### ~~§15330. Under what circumstances will a~~ Evaluation of CUPAs ~~and its p~~ Participating a ~~Agencies be evaluated after certification?~~

(a) The Secretary shall ~~coordinate the evaluation of~~ coordinate the evaluation of a CUPA's implementation of the requirements of Health and Safety Code, Chapter 6.11 and California Code of Regulations, Title 27, Chapter 1 at least once every three years. The Secretary shall coordinate the evaluation of a CUPA with all state agencies with Unified Program responsibilities.

(1) The annual self-auditing and reporting requirements pursuant to Sections 15280 and 15290 and the specific performance standards established in regulation by the Secretary or the state agencies responsible for one or more of the program elements shall be used for the evaluation of the CUPA.

(2) Nothing in this section shall limit the authority of the Secretary to request records or documents for use in conducting the state performance evaluation that are normally maintained by the CUPA in the course of implementing the Unified Program or otherwise required by law to be retained by the CUPA.

(3) For an agency authorized to continue its role, responsibilities, and authority for a program element or elements pursuant to Health and Safety Code Sections 25404.3(f) or 25533(f), the performance evaluation shall only cover the program element or elements that particular agency is authorized to continue to operate.

(b) The CUPA shall evaluate its participating agencies on an annual basis at the time of the Self-Audit pursuant to Section 15280, or as necessary to maintain standards required in Health and Safety Code, Chapter 6.11, the statutes governing specific program elements, and the specific performance standards established in regulation by the Secretary or the state agencies responsible for overseeing one or more of the program elements.

(1) A participating agency that ceases to meet minimum qualifications or fails to implement its program element(s) as described in the Unified Program application approved by the Secretary at any time during the term of its agreement with the CUPA, shall enter into a program improvement agreement with the CUPA. The program improvement agreement shall specify the areas of improvement, minimum accomplishments necessary, and time frames that~~which~~ shall be met.

(A) The CUPA may apply to the Secretary, in accordance with Section 15300, for approval to replace a participating agency that~~which~~ fails to perform according to the program improvement agreement.

## Article 9. ~~Unified Program Standardized Forms and Formats~~

### ~~§15400. What is the Unified Program Consolidated Form?~~



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(a) ~~The Unified Program Consolidated Form (UPCF) (1/99), defined in section 15110 and shown in Appendix E, is a standardized form to be used by CUPAs in the Unified Program to collect information from regulated businesses. The UPCF is a single, comprehensive format that consolidates business to CUPA reporting requirements within the Unified Program.~~

(b) ~~The UPCF may be reproduced or electronically duplicated as needed.~~

#### **§15400.1. What is the format of the UPCF and its required elements?**

(a) ~~The format of the UPCF refers to the way it is organized [see Figure 5]. The UPCF contains the following sections:~~

~~(1) Facility Information, to be completed by all regulated businesses:~~

~~(A) Business Activities~~

~~(B) Business Owner/Operator Identification (OES Form 2730)~~

~~(2) Hazardous Materials:~~

~~(A) Hazardous Materials Inventory Chemical Description (OES Form 2731)~~

~~(3) Tanks:~~

~~(A) Underground Storage Tank (UST) Facility (formerly SWRCB Form A)~~

~~(B) UST Tank (formerly SWRCB Form B)~~

~~(C) UST Installation Certificate of Compliance (formerly SWRCB Form C)~~

~~(4) Hazardous Waste~~

~~(A) Recyclable Materials Report (per Health and Safety Code, Section 25143.10)~~

~~(B) Onsite Hazardous Waste Treatment Notification Facility (formerly DTSC Form 1772)~~

~~(C) Onsite Hazardous Waste Treatment Notification Unit (formerly DTSC Forms 1772A, B, C, D, E, and L)~~

~~(D) Certification of Financial Assurance for Permit by Rule and Conditionally Authorized Onsite Treaters (formerly DTSC Form 1232)~~

~~(E) Remote Waste Consolidation Site Annual Notification (formerly DTSC Form 1196)~~

~~(F) Hazardous Waste Tank Closure Certification (formerly DTSC Form 1249)~~

(b) ~~Regulated businesses shall report required elements that are applicable to their business to the CUPA by submitting the sections of the UPCF, a business generated facsimile, or an alternative version developed by their CUPA.~~

#### **§15400.2. What is the relationship between the UPCF and the forms previously adopted by State departments for the individual program elements?**

(a) ~~The Business Owner/Operator Identification page and Hazardous Materials Inventory Chemical Description page have been adopted by the Office of Emergency Services [Reference Title 19 California Code of Regulations Sections 2729.2(a) and (b)]. These pages are incorporated into the UPCF to achieve coordination in the implementation of the Unified Program and for the convenience of CUPAs and regulated businesses.~~

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~~(b) Completion of the applicable sections of the UPCF fulfills the requirements to submit the following previously used forms:~~

- ~~(1) The Underground Storage Tank Program Forms A, B, and C previously adopted by the State Water Resources Control Board.~~
- ~~(2) The Recyclable Materials Reporting Form previously adopted by the California Conference of Directors of Environmental Health (9/91)~~
- ~~(3) The Onsite Hazardous Waste Treatment Notification Forms previously adopted as DTSC 1772, 1772 A, B, C, D, E, L, and the Certification of Financial Assurance for Permit by Rule and Conditionally Authorized Operations, DTSC 1232 (8/96) previously adopted by the Department of Toxic Substances Control.~~
- ~~(4) The Remote Waste/Consolidation Site Annual Notification Form DTSC 1196.~~
- ~~(5) The Hazardous Waste Tank Closure Certification Form previously adopted as DTSC 1249 (8/98).~~

~~(c) To the extent not prohibited by law, completion by a regulated business of its CUPA's alternative version of the UPCF or a business generated facsimile also satisfies the requirements of the above in subdivisions (a) and (b) of this section.~~

#### **~~§15400.3. When must a CUPA use and distribute the UPCF and when are CUPA alternative versions allowed?~~**

~~(a) The CUPA shall distribute copies of the UPCF to any regulated business or member of the public upon request. A CUPA may add the name of the CUPA, a logo, and address, phone number, and other identifying information to the UPCF title or footer on one or more pages, without the customized UPCF being considered an alternative version subject to the conditions adopted by this section.~~

~~(b) The CUPA shall accept the UPCF as shown in Appendix E from any regulated business that chooses to use it, even if the CUPA adopts one or more alternative versions of the UPCF.~~

~~(c) A CUPA may create alternative versions of the UPCF for local purposes such as streamlining for small businesses or addressing a specific type of industry. Any alternative version of the UPCF shall:~~

- ~~(1) Collect all of the information found on the UPCF that applies to the regulated businesses using the data element definitions established by the data dictionary.~~
- ~~(2) Be consistent with the data standards adopted throughout Article 5 through 10 of these regulations.~~
- ~~(3) Use the same section order as shown in Section 15400.1.~~
- ~~(4) Be developed in consultation with all other agencies within the CUPA's jurisdiction that are responsible for fire protection, emergency response, and environmental health.~~
- ~~(5) Not duplicate data elements between sections of the UPCF other than facility ID number and facility name.~~

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~~(6) Comply with all applicable federal and state laws.~~

~~(d) Alternative versions of the UPCF adopted by a CUPA shall include this written disclaimer statement on a cover page or the front page, printed using a font larger than or equal to 8 points for readability: "This form was developed by the CUPA as an alternative version of the Unified Program Consolidated Form (UPCF). Businesses have the option to use it or the UPCF adopted in state regulations. The CUPA or Participating Agency (PA) must accept the state UPCF and cannot require a business to use the alternative version developed by the CUPA. The CUPA and PA can require businesses to provide additional information on either the UPCF or a supplemental page to that document."~~

~~(e) Each CUPA shall provide instructions to the regulated businesses when distributing the UPCF and any alternative versions. These instructions must be consistent with the instructions adopted in California Code of Regulations Title 19, Article 4, Appendix B.~~

#### **~~§15400.4. Under what conditions will CUPAs be allowed to require businesses to submit additional information?~~**

~~(a) CUPAs shall collect additional local information on either supplemental pages or within the UPCF in the boxes provided on the Business Owner/Operator Identification page (OES Form 2730) and the Hazardous Materials Inventory Chemical Description page (OES Form 2731).~~

~~(b) CUPAs that have created one or more alternative versions of the UPCF [refer to section 15400.3(c)] may add supplemental requests for information within the alternative version, to the extent space is available.~~

~~(c) CUPAs are prohibited from requesting duplicative information in a different format if that information is part of the Data Dictionary, the UPCF, or that CUPA's alternative version of the UPCF.~~

#### **~~§15410. What forms must be used by Household Hazardous Waste facilities regulated under the Unified Program?~~**

~~Reserved—under development by Cal/EPA the Department of Toxic Substances Control~~

### **~~Article 10. Business Reporting to CUPAs~~**

#### **~~§15600. What documents are regulated businesses required to submit to CUPAs?~~**

~~(a) A copy of the Business Activities Page and Business Owner/Operator Page (OES Form 2730) shall be submitted with every submission of pages of the Unified Program Consolidated Form (UPCF).~~

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~~(b) Regulated businesses are required to meet the reporting requirements of any applicable program element of the Unified Program. Many of those reporting requirements are satisfied by completing sections of either the UPCF, an alternative version [Refer to 15400.3], or a computer generated facsimile.~~

~~(c) Businesses may report to the CUPA electronically, if the CUPA agrees [refer to Section 15187].~~

~~(d) Other documents may also be required by federal and state statutes and regulations or by local ordinance.~~

#### **~~§15610. When must regulated businesses use the UPCF and when are business generated facsimiles allowed?~~**

~~(a) Regulated businesses shall use either the applicable sections of the UPCF or an alternative version of the UPCF adopted by the CUPA in their jurisdiction, if one is available.~~

~~(b) Regulated businesses may satisfy this requirement by submitting computer generated facsimile forms. A facsimile of the UPCF shall meet the following specifications:~~

~~(1) It shall contain all the information required on the UPCF and defined by the data dictionary for those regulated businesses. It shall use the same section format and present the required information in the order and general sequencing on the page as shown on the UPCF. The facsimile form shall be printed on 8 1/2 by 11 inch paper in 'portrait' format. It shall retain all labels and identifiers for the UPCF sections, pages, and subsections. Current page breaks shall be maintained, although a page for supplemental local information may be added between UPCF page breaks.~~

~~(2) It is not required to be an exact copy or to use identical fonts, boxing, shading, or other graphic design elements of the UPCF.~~

~~(c) The CUPA shall determine if business generated facsimiles comply with the requirements of subsection (b). The CUPA may also allow businesses to submit facsimiles of their alternative versions of the UPCF.~~

~~(d) To the extent not prohibited by law, the CUPA may assist businesses to revise their information by providing copies of completed reports based on previous submittals. These reports shall be in the general format of the UPCF or the alternative version. A business that revises, certifies, and returns this report to the CUPA satisfies the requirements to complete the appropriate sections of the UPCF. Regulated businesses are not required to use these CUPA generated reports and have the option to submit updated information using the UPCF or a facsimile.~~

~~(e) To the extent not prohibited by law, a business subject to the hazardous materials reporting requirements may comply with the annual inventory reporting requirement by submitting a certification statement to the CUPA if both of the following apply:~~

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~~(1) The business has previously filed the appropriate pages of the UPCF or an alternative version and~~

~~(2) The business owner or officially designated representative signs and attests to these statements:~~

~~(A) The information contained in the annual inventory form most recently submitted to the CUPA is complete, accurate, and up to date.~~

~~(B) There has been no change in the quantity of any hazardous material as reported in the most recently submitted annual inventory form.~~

~~(C) No hazardous materials subject to the inventory requirements are being handled that are not listed on the most recently submitted annual inventory form.~~

~~(D) The most recently submitted annual inventory form contains the information required by Section 11022 of Title 42 of the United States Code.~~

#### ~~§15620. When must businesses submit, update, amend, revise, or resubmit the UPCF?~~

~~(a) Regulated businesses shall comply with the established dates or events that trigger the requirements for businesses to submit information required as part of the Unified Program and submitting the appropriate sections of the UPCF, the alternative version, or a computer generated facsimile. A CUPA may establish other specific dates for submission of information consistent with state and federal law.~~

~~(b) Different parts of the UPCF, the alternative version, or a computer generated facsimile may be submitted separately. Each submission shall be accompanied by the Business Owner/Operator Identification page and shall be signed with an original signature. The Business Activities page shall also be resubmitted whenever any information reported on it changes.~~